

## Liability of carriers of passengers by sea in the event of accidents

2005/0241(COD) - 08/12/2008 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts in full 6 amendments to the common position, adopted by the European Parliament in first reading.

It also accepts, in part or in principle, 5 other amendments by the European Parliament. With regard to these amendments, the Commission does not accept the last sentence of an amendment which suggests that setting up a compulsory insurance scheme should not affect existing insurance schemes. It also takes the view that it is unrealistic to demand that passengers be provided with complete information and that the information should be provided to passengers before boarding.

The Commission does not accept the deletion of the second paragraph of Article 5 of the common position covering the system for indemnity in the event of a terrorist attack. It also takes the view that it is not appropriate to guarantee a specific minimum advance payment in cases such as permanent invalidity.

Note that the Commission rejected 2 amendments. In particular, an amendment cannot be accepted in so far as it no longer applies. The amendment continues to refer to the procedure whereby any future amendment to the Convention is automatically incorporated into Community law unless a Commission regulation to the contrary is adopted by comitology. In the common position, this approach has changed and the Commission has accepted this change: changes to maximum compensation amounts under the Athens Convention can be incorporated following the adoption of a Commission regulation under the regulatory procedure with scrutiny. Any other amendment to the Convention would be subject to co-decision.