

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

2005/0241(COD) - 25/04/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Paolo COSTA (ALDE, IT) making some amendments to the proposed regulation on the liability of carriers of passengers by sea and inland waterways in the event of accidents:

- a new recital states, that owing to the need for greater consultation among the Member States on matters of maritime safety, it is vital to reassess the EMSA's competences and possibly consider extending its powers;
- against the wishes of the rapporteur, the EPP-ED and IND/DEM groups tabled amendments to exclude the inland waterway sector and domestic traffic from the scope of this legislation. These amendments were adopted with a small majority;
- the liability of a carrier and of a performing carrier in respect of passengers and their luggage shall be governed by all provisions of the Athens Convention 2002 relevant to such liability, including the IMO reservation and guidelines for implementation of the Athens Convention 2002 adopted by the Legal Committee of the IMO on 19 October 2006, both annexed to the Regulation;
- the advance payment of EUR 21 000 provided for in the event of death should also be payable in the event of "the absolute and permanent invalidity of a passenger, or injuries to 75% or more of the passenger's body considered clinically very serious";
- Article 19 of the Athens Convention 2002 is not applicable to the carriage of passengers falling within the scope of the Regulation;
- an advance payment shall not constitute recognition of liability and may be offset against any subsequent sums paid on the basis of the Regulation and is not returnable except where the person who received the advance payment was not the person entitled to compensation or the carrier is deemed not at fault. Receipt of an advance payment shall enable the carrier, the performing carrier or the passenger to initiate judicial proceedings to establish liabilities and fault;
- in relation to domestic carriage by regular ferry lines, the Regulation shall apply from two years after the date of its entry into force or from the date of the entry into force of the Athens Convention 2002 for the Community, whichever is the later;
- in relation to carriage by inland waterways, it shall apply from four years after the date of its entry into force or from the date of the entry into force of the Athens Convention 2002 for the Community, whichever is the later;
- in relation to domestic carriage by regular ferry lines in the regions covered by Article 299(2) of the Treaty, it shall apply from four years after the date of its entry into force or from the date of the entry into force of the Athens Convention 2002 for the Community, whichever is the later.