Carriage of Passengers and their Luggage by Sea, Protocol of 2002 to the 1974 Athens Convention: accession (excluding Articles 10 and 11)

2003/0132A(NLE) - 24/06/2003 - Preparatory document

PURPOSE : to conclude the Protocol of 2002 to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea 1974 ("the Athens Protocol"). CONTENT : Adequate protection of passengers on board ships is of key concern to the Commission. At present, the liability for carriers of passengers by sea is not subject to fully harmonised rules, either at international or European level. There is no Community legislation in this field and the protection of passengers varies between Member States, depending on what international conventions, and which amendments to them, have been ratified by the State in which the claim is settled. Consequently, maximum compensation amounts for death or personal injury to a passenger show great variations within EU Member States. In addition, none of the applicable conventions or protocols stipulates a strict liability for the carrier or an obligation for carriers to take out insurance to meet claims from passengers. For these reasons, the Commission, in its Communication on the enhanced safety of passenger ships in the Community (COM(2002)158), outlined its views on certain key elements which should form part of a workable maritime passenger liability regime and added that such a regime needs to be put in place within the EU within a near future. The Communication outlined a number of substantive issues (including the nature and extent of the carrier's liability and minimum requirements on insurance) which were insufficiently regulated in the previous version of the Athens Convention. The Protocol of 2002 to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974, which was adopted on 1 November 2002 satisfies all requirements set by the Commission. Parts of the Protocol belong to the exclusive competence of the Community. Therefore the Community must become a Contracting Party to it before Member States can do so. It is therefore proposed that the Community becomes a Contracting Party to the Athens Protocol the earliest possible moment and that the Member States shall do likewise before the end of 2005.