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## **Commission proposes to accept IMO's passenger liability rules**

*The European Commission today presented a proposal for a Council Decision which will make all EU Member States parties to the new International Maritime Organisation (IMO) liability rules for carriers of passengers by sea. "This will significantly improve the compensation of seagoing passengers in the EU", said Loyola de Palacio, the Commission's Vice-President responsible for transport and energy policy "as the existing systems vary widely in the EU and some Member States provide for very limited compensation amounts for death and injury to passengers at sea".*

The new Protocol of 2002 to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974 (the 'Athens Protocol')<sup>(1)</sup>, was adopted on 1 November 2002. It addresses certain important shortcomings in the regulation of the liability of carriers of passengers by sea at international level. The new Athens Protocol satisfies all requirements set out last year by the Commission. It is now proposed that all EU Member States become parties to the new Protocol before the end of 2005.

The Athens Protocol is of significance to Europe in two different ways. Firstly, the adequate compensation of passengers on board ships, the substance of the Protocol, is a key objective of the EU's maritime safety policy, as outlined in the Commission's Communication on the enhanced safety of passenger ships in the Community (see IP/02/502). Such a regime needs to be put in place within the EU in the near future. The Communication detailed key elements which should form part of a workable maritime passenger liability regime. The Commission outlined 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. It is also desirable that any EU-regime be implemented within the context of the international passenger liability regime.

Secondly, parts of the Protocol are the exclusive competence of the European Union and therefore necessitate the Union becoming a Contracting Party to it before Member States. *"The Athens Protocol is the first IMO instrument to include a possibility for the European Union to become a party, and we must ensure that we are seen to be taking up our international responsibilities rapidly in order that Member States can then play their part",* said Vice-President de Palacio.

To achieve a uniform passenger liability regime and make it fully enforceable in the EU, the Athens Protocol will also need to be transposed into EU law by regulation. Before 2004 the Commission will also propose a regulation implementing the Protocol's provisions relating to liability for death and personal injury of passengers at sea which will harmonise the rules across the Union.

<sup>(1)</sup>See the web site of the HYPERLINK "<http://www.imo.org/home.asp>" International Maritime Organisation for the text of the HYPERLINK "[http://www.imo.org/Conventions/mainframe.asp?topic\\_id=256&doc\\_id=663#4](http://www.imo.org/Conventions/mainframe.asp?topic_id=256&doc_id=663#4)" Athens Convention and 2002 Protocol.

