



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.10.2007
COM(2007) 645 final

2005/0241 (COD)

Amended proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the liability of carriers of passengers by sea and inland waterway in the event of accidents

(presented by the Commission pursuant to Article 250 (2) of the EC Treaty)

Amended proposal for a

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(Text with EEA relevance)

1. Stage of procedures

The proposal – COM(2005) 592 – 2005/0241 (COD) – was adopted by the Commission on 23 November 2005 and was sent to the European Parliament and to the Council on 13 February 2006.

The European Economic and Social Committee adopted its opinion on the Commission's proposal on 13 September 2006.

The Committee of the Regions adopted its opinion on the Commission's proposal on 15 June 2006.

The European Parliament adopted 27 amendments at first reading on 25 April 2007.

2. **OBJECTIVE OF THE PROPOSAL**

The objective is to give all passengers travelling by ship, whatever their journey, and their carriers a harmonised legal framework setting out their rights and obligations. The ambition level of harmonisation should be high enough to ensure a fairer system for compensating for damages and to improve accident prevention.

The proposal aims to incorporate into Community law the 2002 Protocol to the 1974 Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, adopted under the auspices of the International Maritime Organization ("the 2002 Athens Convention"). The 2002 Athens Convention is a modern text clearly setting out the rights and obligations of passengers and carriers. It provides for a system of liability where the carrier is not at fault to cover damages caused in the event of shipping accidents, lays down sufficiently high maximum compensation amounts, requires all carriers to take out an insurance policy and allows the complainant to contact the insurer directly in order to obtain compensation.

In parallel with this initiative, the Member States and the Community are preparing to become contracting parties to the 2002 Athens Convention¹.

¹ Proposal for a Council Decision concerning the conclusion by the European Community of the Protocol of 2002 to the 1974 Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, COM(2003) 375, 24.6.2003. In the process of adoption.

When incorporating the Convention into Community law, a number of adjustments should be made.

- The Athens Convention is limited to international maritime transport. The Commission proposes extending the scope to cabotage (maritime transport within a single Member State) and to inland waterway transport.
- With a view to harmonising to the benefit both of passengers and of carriers, deletion of a clause from the Convention whereby a Member State may individually adopt compensation ceilings higher than those laid down in the Convention.
- Addition of a measure to increase the compensation given for damages caused to equipment for the disabled.
- Addition of an obligation to pay advances.
- Addition of an obligation to inform passengers about their rights.

3. OBJECTIVE OF THE AMENDED PROPOSAL

The amended proposal adapts the original proposal on a number of points as suggested by the European Parliament.

4. OBSERVATIONS ON THE AMENDMENTS ADOPTED BY THE EUROPEAN PARLIAMENT

4.1 Amendments accepted by the Commission

The Commission can accept amendments 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15.

4.2 Amendments accepted by the Commission in part or subject to rewording

Amendment 1 can be accepted in part. The last sentence of this amendment suggests that setting up a system of compulsory insurance must not affect insurers in any way. The Commission feels that this sentence should be removed as it does not reflect reality. Setting up a compulsory insurance system will inevitably affect the insurance market.

4.3 Amendments not accepted by the Commission

Amendments 4, 9 and 16 to 27 cannot be accepted by the Commission.

5. AMENDED PROPOSAL

Having regard to Article 250(2) of the EC Treaty, the Commission modifies its proposal as indicated above.