

No. 23 2012/2013 - Entry into Force of the Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the Liability of Carriers of Passengers by Sea in the Event of Accidents (the "PLR")

December 2012

Translations: Chinese  Vietnamese 

Dear Sirs

Entry into force of the Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the Liability of Carriers of Passengers by Sea in the Event of Accidents (the "PLR")

We refer Members to our Notice to Members No.15 2012/2013 of September 2012 on the PLR that will apply in all European Union (EU) and European Economic Area (EEA) Member States from 31 December 2012. The Regulation essentially gives effect to the key provisions of the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974 as amended by the 2002 Protocol (the "Convention"), together with the 2006 IMO Reservation and Guidelines for Implementation of the Convention covering war risks (the "Guidelines").

Notices to Members No.15 2012/2013 informed Members that article 7 of the PLR introduces an obligation on carriers and performing carriers to provide information to passengers, which explains their rights under the Regulation, and that the European Commission was due to publish a publicly accessible summary of the PLR, including a summary of the information to be promulgated by carriers and performing carriers. This has now been published by the European Commission. A copy is attached to this Circular and can also be found on the following webpage.

Members have previously been informed that ships covered by the Regulation are required to maintain insurance which meets the requirements of the PLR and will need to obtain a certificate issued by an EU/EEA Member State attesting that such insurance is in force.

Operators of vessels registered in an EU/EEA Member State should obtain their certificate from that State, which will then be accepted as evidence of insurance when calling at any port or terminal in an EU/EEA Member State.

In the case of vessels registered in a non EU/EEA State, the International Group has liaised closely with States and understands that Germany has agreed to issue certificates to vessels registered in non EU/EEA States if they are calling at any EU port, and not just German ports, and that a number of EU/EEA States will issue certificates to such vessels if calling at a port in their State after 31 December 2012, including the United Kingdom [1], France, Spain, Netherlands, Poland, Cyprus, Belgium [2] and Sweden [3].

The necessary contact information for the above mentioned EU/EEA Member States can be obtained from the Club.

All Clubs in the International Group have issued similar circulars.

Yours faithfully

For: **West of England Insurance Services (Luxembourg) S.A.**
(As Managers)

R J B Searle
Director

 Summary - Rights of Passengers

[1] The UK will give priority to applications submitted by UK registered vessels; then non EU/EEA registered vessels calling at UK ports, and if the UK Maritime & Coastguard Agency has capacity to process any applications from non EU/EEA registered vessels calling at any EU port then they will be handled, although it remains unclear if this will be the case for 31 December 2012.

[2] Provided that the owner or operator has residence or a company office in Belgium and a request has also been submitted for the vessel's registry.

[3] Applications by such vessels to Sweden should be made 30 days in advance of arrival.