

Notices to Members

No. 5 2014/2015 - Entry into Force of the Protocol of 2002 to the Athens Convention

April 2014

Dear Sirs,

Entry into Force of the Protocol of 2002 to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974

Members are referred to 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 Convention will enter into force for seventeen States^[1] on 23 April 2014.

Insurance and Certification Requirements

Article 4*bis* of the Convention introduces a requirement on passenger ship carriers and performing carriers engaged in international voyages to maintain insurance that complies with the requirements of the Convention i.e. if they are registered in a State Party to the Convention or calling at or leaving the port of a State Party. Such carriers will also need to obtain a certificate issued by a Party to the Convention verifying that such insurance is in force.

Since 31 December 2012 carriers and performing carriers operating passenger ships that are either registered in or trading to or from an EU/EEA Member State will have obtained evidence of insurance cover in the form of war and non-war "blue cards" and a certificate issued by an EU/EEA State in order to comply with the statutory requirements of EU Regulation 392/2009 on the Liability of Carriers of Passengers by Sea (the "PLR"). PLR is closely modelled on the Convention.

The International Group has been working closely with officials in the International Maritime Organisation, EU Member States, the European Commission and Convention Contracting States (i.e. States that have acceded to the Convention prior to its entry into force) in order to establish whether Contracting States will recognise certificates issued by EU/EEA States as evidence of insurance required under Article 4*bis* of the Convention when calling at a port or terminal in any EU/EEA Member State and non-EU/EEA Convention country.

The aim has been to avoid a situation where operators of passenger vessels need to obtain duplicate sets of blue cards in order to obtain two Certificates, one to comply with the Convention and one to meet the requirements of PLR. While a number of States have indicated a willingness to accept that one Certificate will meet the requirements of both the Convention and PLR, final confirmation of this position is still awaited. Further information will be provided as soon as it is available. Members are encouraged to contact the Club immediately if they will be calling at a port in a non-EU/EEA Convention country or if a Flag or Port State imposes upon carriers or performing carriers a requirement for duplicate certificates.

Other Clubs in the International Group have issued similarly worded Circulars.

Yours faithfully

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

A Paulson
Director

¹ Albania, Belgium, Belize, Bulgaria, Croatia, Denmark, Greece, Latvia, Malta, Netherlands, Norway, Palau, Panama, Saint Kitts and Nevis, Serbia, Syrian Arab Republic, United Kingdom