

"Shipowners liability - International Conventions and EU place increased liabilities on the Shipowner"

ALANDIA MARINE INSURANCE SEMINAR  
ÅLAND ISLANDS 26.4.2012

**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 Athens Regulation )**

In force **31.12.2012**. Becomes law in all EC countries  
Strict liability for shipping incidents up to 250 000 SDR per passenger, culpa liability up to 400.000 SDR  
Both International and domestic traffic  
A and B class passengerships (98/18/EC)  
Vessels carrying >12 passengers  
Compulsory insurance to cover liabilities  
Global Limitation, LLMC 1976/1996 will apply  
Direct action against the insurer  
Certificate from Authorities  
"Blue Card" by P&I

**The Athens Convention relating to the Carriage of Passengers and their Luggage by Sea 1974, as amended by the Protocol of 2002 (the Athens Convention)**

International voyages  
Carriers liability limits for passenger claims (increasing)  
Compulsory insurance and direct action  
Will be implemented in EC law through the Athens Regulation  
The Athens Convention is not in force yet. ( during 2013? )

EC countries will ratify the Athens Convention 2002 version simultaneously with the EC. Target per **31.12.2012?**  
**Finland** : A, B, C och D class passengerships ?

**DIRECTIVE 2009/20/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 April 2009 on the insurance of shipowners for maritime claims**

**(The Insurance Directive)**

Vessels >300grt  
Compulsory insurance up to Global Limitation, LLMC 1976/1996  
Certificate(s) from the insurer (Hull&P&I)  
Implementing measures ready in EC countries **1.1.2012**  
**Finland is delayed.** Untill 31.12.2012?  
In force in Sweden from 1.7.2012.

**The Maritime Laws will be modified**

Reference to the Athens Regulation; direct applicable  
Reference to The Rights of Passengers regulation; direct applicable  
The Athens Convention will be implemented  
The Insurance Directive will be implemented  
**Finland** 18.12.2012 / 31.12.2012 ?

**REGULATION (EU) No 1177/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (The Rights of Passengers Regulation)**

In force and becomes law within EC **18.12.2012**.  
Vessels carrying >12 passengers  
Non discrimination rules / assistance to disabled persons  
Standard reimbursements / compensations (comp. Air transport)

**UN Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea - the "Rotterdam Rules".**

Successor for The Hague, The Hague-Visby and the Hamburg rules  
Rules for carriers compulsory liability for cargo  
Exception for nautical error will be deleted etc.  
Not in force yet  
Norway and Denmark will ratify, Finland and Sweden are in doubt  
The uniformity of the maritime laws in the Nordic countries in risk