



Merchant Shipping Directorate



LIABILITY OF CARRIERS OF PASSENGERS BY SEA IN THE EVENT OF ACCIDENTS

Merchant Shipping Notice 103

*Notice to Shipowners, Ship Operators, Managers, Masters,
Owners' Representatives and Recognised Organisations*

The Directorate would like to remind all concerned that 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 shall enter into force on the 31 December 2012.

This Regulation lays down a harmonised regime of liability and insurance for the carriage of passengers by sea, based on the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea 1974, as amended by the Protocol of 2002 on the carriage of passengers; and the International Maritime Organization (IMO) guidelines for implementation of the Athens Convention, adopted in 2006.

According to the new liability regime established by the Regulation, for damages related to navigation accidents victims shall be covered by an *ipso jure* liability regime but must prove a fault on the part of the carrier in order to be compensated for damages falling under the category of "innkeeper" liability.

Carriers must all maintain insurance and victims shall be entitled to make claims directly against the insurer.

Owners operating ships under the Malta flag and/or local representatives are to submit war risk and non war risk blue cards issued by an approved P & I Club to this Directorate on clcmalta.tm@transport.gov.mt. They are also to indicate the name and full address of the principal place of business of the carrier who actually performs the carriage.

In order to ensure the continuous uninterrupted operation of Malta flag ships, to which the Regulation applies, after 31 December 2012, those concerned are hereby reminded to submit the relevant documents to this Directorate as soon as possible. Ships not furnished with the relevant certificate may experience delays after 31 December 2012.

The electronic version of the abovementioned EC Regulation can be downloaded from:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:131:0024:0024:EN:PDF>

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