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## Passenger Ships: United Kingdom Ratification of Athens Protocol, 2002

Notice to all ship owners, operators, managers, masters and insurers of passenger ships.

*This MIN expires 23 April 2015*

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### Summary

The United Kingdom has ratified the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (the "2002 Athens Protocol") which will enter into force internationally on the 23 April 2014. It will be incorporated into UK law by means of The Merchant Shipping (Convention Relating to the Carriage of Passengers and their Luggage by Sea (Amendment) (Order) 2014.

The main provisions of the 2002 Athens Protocol already apply within the EU. This means that vessels licensed to carry more than 12 passengers registered in, or sailing to or from the United Kingdom on international journeys will either need to have a single certificate issued by the MCA or by the authorities of another EU Member State / State Party attesting that appropriate insurance is in place to meet the requirements of the 2002 Athens Protocol.

This Marine Information Note is intended to help ensure that UK flagged passenger vessels and other passenger vessels which call at ports and terminals in the UK / EU or the ports and terminals of other State Parties are issued with the necessary certificate ahead of the 2002 Athens Protocol entering into force.

### 1. Introduction

- 1.1 The 2002 Athens Protocol provides for an enhanced framework of compensation in the event of death or personal injury to passengers travelling by sea, and for the loss of, or damage to, luggage. It introduces the concept of strict liability in respect of claims of up to 250,000 Special Drawing Rights<sup>1</sup> (SDRs) per passenger, and increases the maximum liability limits for carriers to 400,000 SDR per passenger per carriage.

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<sup>1</sup> SDR - Special Drawing Rate (or Unit of Account) - is an international reserve asset created by the International Monetary Fund (IMF) in 1969 to supplement its member countries' official reserve. At time of publication 1 SDR was worth around £0.92 (\$1.53)



- 1.2 Carriers operating passenger vessels under the jurisdiction of a flag state that has ratified the 2002 Protocol will also be required to maintain compulsory insurance. The limit of this insurance must not be less than 250,000 SDR per passenger.
- 1.3 The Protocol also introduces the right of direct action against the insurer, as well as a requirement for carriers to have insurance cover for war and terrorism liabilities.
- 1.4 The 2002 Athens Protocol will be incorporated into UK law by The Merchant Shipping (Convention relating to the Carriage of Passengers and their Luggage by Sea) (Amendment) Order 2014. This will enable the 2002 Athens Protocol to be extended to the Overseas Territories and Crown Dependencies should they so wish it. It will also ensure that the application of the Convention to domestic carriage (with different national liability limits) will continue to apply.
- 1.5 The main provisions of the 2002 Athens Protocol were incorporated into EU law by Regulation (EC) 392/2009, which entered into force on 31 December 2012. This was implemented in the UK by means of The Merchant Shipping (Carriage of Passengers by Sea) Regulations 2012.

## **2. Scope of the 2002 Protocol**

- 2.1 This Convention shall apply to any international carriage if:
- (a) the passenger vessel is flying the flag of or is registered in a State Party to this Convention, or
  - (b) the contract of carriage has been made in a State Party to this Convention, or
  - (c) the place of departure or destination, according to the contract of carriage, is in a State Party to this Convention.
- 2.2 The Athens Convention, (as amended by the 2002 Protocol) will:
- (a) Introduce increased maximum liability limits on carriers (Up to 400,000 SDR per passenger, per carriage)
  - (b) Require the carrier to provide evidence of insurance cover of not less than 250,000 SDR per passenger;
  - (c) Require the insurance cover to be verified by a certificate issued by a State Party (i.e. the MCA in the UK);
  - (d) Allow a claim for compensation to be brought directly against the insurer up to 250,000 SDR; and
  - (e) Change the time bar provisions so that any action for damages arising out of the death of, or personal injury to a passenger, or for lost or damage to luggage and vehicles is time-barred after a period of two years;



### 3. State Certification

- 3.1 Owners of passenger vessels seeking to obtain a State Certificate from the MCA in the UK attesting that they have adequate insurance in place will be required to provide evidence of their third party liability insurance cover. The scope and amount of cover must be equal to that described in article 4*bis* of the Convention as amended by the 2002 Athens Protocol and the provisions of the IMO Guidelines on the implementation of the Athens Convention.
- 3.2 A single State Certificate issued by the MCA will be considered as meeting the requirements of both the EU Regulation and the 2002 Athens Protocol for Port State Control purposes.
- 3.3 If a passenger vessel is registered in a State Party (other than the UK), a State Certificate issued by or under the authority of the Government of that other State Party is required. If the passenger vessel is registered in a country which is not a State Party, a State Certificate issued by the MCA or under the authority of any other State Party will be required. If the passenger vessel is registered in a country which is not a State Party but which is an EU or EEA Member State, a State Certificate issued by, or under the control of, that EU or EEA Member State will be required.
- 3.4 The MCA will issue State Certificates for UK-flagged passenger vessels attesting that appropriate insurance is in place. The MCA may also issue certificates to non-UK passenger vessels, provided that the MCA are satisfied that the appropriate level of insurance cover is in place. Such certificates will be issued according to the commencement and expiry date stipulated on the blue card or financial guarantee provided by the insurer or other provider of financial security. Under no circumstances will certificates be issued for periods greater than 12 months commencing at any point in the calendar year. Where the commencement and expiry dates for war risks and non-war risks differ, a certificate can only be issued for the period when both insurances are concurrent.
- 3.5 If a shipowner does not already have a State Certificate issued under the provisions of the EU Regulation, then shipowners are strongly encouraged to approach the MCA in good time to ensure that applications can be processed in a timely manner. It can take up to 10 working days to issue a certificate, calculated from the date that a complete application is received by the MCA. Applications must be accompanied by the following supporting documentation:
- An application containing the required details of the vessel(s) that require certification, using either MSF 3241 (for applications via email) or MSF 3244 (for applications via post), and;
  - Suitable evidence of insurance for non-war risks, e.g. a “Blue Card” from a P&I Club, and;
  - Suitable evidence of insurance for war risks, e.g. a “Blue Card” from a P&I club or specialist war insurer, and;
  - The appropriate fee; The cost of each certificate is £31 to which must be added additional courier costs of £25 per application where this service is requested. (These fees are correct at the time of publication and may be subject to change).
- 3.6 For further information, or to request an application form, please contact the Technical Support Team using the contact details below.



## More Information

Technical Support Team (Ship Standards and Technical Performance)  
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