

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 (Text with EEA relevance)

Article 1	Subject matter
Article 2	Scope
Article 3	Liability and insurance
Article 4	Compensation in respect of mobility equipment or other specific equipment
Article 5	Global limitation of liability
Article 6	Advance payment
Article 7	Information to passengers
Article 8	Reporting
Article 9	Amendment of the Annexes
Article 9a	Exercise of the delegation
Article 10	Committee procedure
Article 11	Transitional provisions
Article 12	Entry into force Signature

---

ANNEX I

PROVISIONS OF THE ATHENS CONVENTION RELATING TO  
THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY  
SEA RELEVANT FOR THE APPLICATION OF THIS REGULATION

(Consolidated text of the Athens Convention relating to the Carriage of Passengers  
and their Luggage by Sea, 1974 and the Protocol of 2002 to the Convention)

Article 1	Definitions
Article 1bis	Annex
Article 2	Application
Article 3	Liability of the carrier
Article 4	Performing carrier
Article 4bis	Compulsory insurance
Article 5	Valuables
Article 6	Contributory fault
Article 7	Limit of liability for death and personal injury
Article 8	Limit of liability for loss of or damage to luggage and vehicles
Article 9	Unit of Account and conversion
Article 10	Supplementary provisions on limits of liability
Article 11	Defences and limits for carriers' servants
Article 12	Aggregation of claims
Article 13	Loss of right to limit liability
Article 14	Basis for claims
Article 15	Notice of loss or damage to luggage

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 392/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

Article 16	Time-bar for actions
Article 17	Competent jurisdiction
Article 17bis	Recognition and enforcement
Article 18	Invalidity of contractual provisions
Article 20	Nuclear damage
Article 21	Commercial carriage by public authorities
Article 22	Revision and amendment
Article 23	Amendment of limits

## ANNEX TO ATHENS CONVENTION

### CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF...

Explanatory notes:

1. If desired, the designation of the State may include a...
2. If the total amount of security has been furnished by...
3. If security is furnished in several forms, these should be...
4. The entry 'Duration of Security' must stipulate the date on...
5. The entry 'Address' of the insurer(s) and/or guarantor(s) must indicate...

## ANNEX II

Extract From the IMO Reservation and Guidelines for Implementation of THE ATHENS Convention, adopted by the Legal Committee of the INTERNATIONAL MARITIME ORGANISATION on 19 October 2006

### Reservation

1. The Athens Convention should be ratified with the following reservation...

### Guidelines

2. In the current state of the insurance market, State Parties...
3. An example of a set of insurance undertakings (Blue Cards)...

## APPENDIX A

Clauses referred to in guidelines 2.1.1, 2.1.2 and 2.2.1

Institute Radioactive Contamination, Chemical, Biological, Bio-chemical and Electromagnetic Exclusion Clause...

1. In no case shall this insurance cover loss damage liability...

Institute Cyber Attack Exclusion Clause (Cl. 380, 10/11/03)

1. Subject only to clause 10.2 below, in no case shall...
2. Where this clause is endorsed on policies covering risks of...

War Automatic Termination and Exclusion

- 1.1. Automatic Termination of Cover
  - 1.1.1. upon the outbreak of war (whether there be a declaration...
  - 1.1.2. in respect of any vessel, in connection with which cover...
- 1.2. Five Powers War
  - 1.2.1. loss damage liability or expense arising from the outbreak of...

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 392/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

1.2.2. requisition either for title or use.

## APPENDIX B

- I. Examples of insurance undertakings (Blue Cards) referred to in guideline...  
Blue Card issued by War Insurer  
Blue Card issued by Non-War Insurer

- II. Model of certificate of insurance referred to in guideline 3...

Explanatory notes:

1. If desired, the designation of the State may include a...
2. If the total amount of security has been furnished by...
3. If security is furnished in several forms, these should be...
4. The entry 'Duration of Security' must stipulate the date on...
5. The entry 'Address' of the insurer(s) and/or guarantor(s) must indicate...

---

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 392/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (1) [OJ C 318, 23.12.2006, p. 195.](#)
- (2) [OJ C 229, 22.9.2006, p. 38.](#)
- (3) Opinion of the European Parliament of 25 April 2007 ([OJ C 74 E, 20.3.2008, p. 562](#)), Council Common Position of 6 June 2008 ([OJ C 190 E, 29.7.2008, p. 17](#)), Position of the European Parliament of 24 September 2008 (not yet published in the Official Journal), Council Decision of 26 February 2009 and Legislative Resolution of the European Parliament of 11 March 2009 (not yet published in the Official Journal).
- (4) [OJ L 144, 15.5.1998, p. 1.](#)
- (5) [OJ L 12, 16.1.2001, p. 1.](#)
- (6) [OJ L 184, 17.7.1999, p. 23.](#)
- (7) [OJ L 208, 5.8.2002, p. 1.](#)

### Changes to legislation:

There are outstanding changes not yet made to Regulation (EC) No 392/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

### Changes and effects yet to be applied to :

- Art. 1(1) word omitted by S.I. 2019/649 reg. 6(2)(a)(i)
- Art. 1(2) words substituted by S.I. 2019/649 reg. 6(2)(b)
- Art. 1(3) omitted by S.I. 2019/649 reg. 6(2)(c)
- Art. 2 words omitted by S.I. 2019/649 reg. 6(3)(c)
- Art. 2 words substituted by S.I. 2019/649 reg. 6(3)(a)
- Art. 3(1) words omitted by S.I. 2019/649 reg. 6(4)
- Art. 6(1) word substituted by S.I. 2019/649 reg. 6(5)(a)
- Art. 6(1) words substituted by S.I. 2019/649 reg. 6(5)(b)
- Art. 7 words omitted by S.I. 2019/649 reg. 6(6)(a)
- Art. 7 words omitted by S.I. 2019/649 reg. 6(6)(c)
- Art. 7 words substituted by S.I. 2019/649 reg. 6(6)(b)
- Art. 8 omitted by S.I. 2019/649 reg. 6(7)
- Art. 9(1) words omitted by S.I. 2019/649 reg. 6(8)(a)(ii)
- Art. 9(1) words omitted by S.I. 2019/649 reg. 6(8)(a)(iii)
- Art. 9(1) words substituted by S.I. 2019/649 reg. 6(8)(a)(i)
- Art. 9(2) words omitted by S.I. 2019/649 reg. 6(8)(b)(ii)
- Art. 9(2) words substituted by S.I. 2019/649 reg. 6(8)(b)(i)
- Art. 10 heading substituted by S.I. 2019/649 reg. 6(9)(a)
- Art. 10(1) substituted by S.I. 2019/649 reg. 6(9)(b)
- Art. 10(2) substituted by S.I. 2019/649 reg. 6(9)(c)
- Art. 11 omitted by S.I. 2019/649 reg. 6(10)
- Art. 12 omitted by S.I. 2019/649 reg. 6(10)

### Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 1 omitted by S.I. 2019/649 reg. 6(11)
- Art. 1(1)(a) words substituted by S.I. 2019/649 reg. 6(2)(a)(ii)
- Art. 2(a) words substituted by S.I. 2019/649 reg. 6(3)(b)
- Art. 2(b) words substituted by S.I. 2019/649 reg. 6(3)(b)
- Art. 2(c) words substituted by S.I. 2019/649 reg. 6(3)(b)