



INTERNATIONAL CONFERENCE ON THE
REVISION OF THE ATHENS
CONVENTION RELATING TO THE
CARRIAGE OF PASSENGERS AND THEIR
LUGGAGE BY SEA, 1974

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Agenda item 8

**ADOPTION OF THE FINAL ACT AND ANY INSTRUMENTS, RECOMMENDATIONS
AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE**

CONFERENCE RESOLUTIONS

Text approved by the Conference

RESOLUTION ON REGIONAL ECONOMIC INTEGRATION ORGANIZATIONS

THE CONFERENCE,

HAVING adopted the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (hereinafter "the Protocol"),

RECALLING that Article 19 of the Protocol has been developed and included in the Protocol in order to allow Regional Economic Integration Organizations and their sovereign Member States to become parties to the Protocol in case competencies over matters governed by the Protocol are, or have been, or will be, transferred to that organization by its sovereign Member States,

RECOGNIZING that States may, in the future, establish or become Members to various forms of regional integration organizations to which they may opt to transfer competencies or functions governed by treaties and exercise these in a shared manner,

CONSIDERING FURTHER that it may not be feasible to cater for the particularities of each and every such organization or with the legislative or administrative functions or competencies such organizations may wish to adopt or share with its Member States,

RECOGNIZING the need for the International Maritime Organization (hereinafter "the Organization") to promptly and adequately respond to evolution,

RECOGNIZING FURTHER the importance and the benefits of providing a generally acceptable framework through which regional economic integration organizations and their Member States may become parties to treaties, or to amendments to treaties, developed by the Organization,

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COGNIZANT of the fact that the United Nations have already addressed the issue of international organizations becoming parties to treaties when adopting the United Nations Convention on the Law of the Sea (UNCLOS) as well as in other treaties developed and adopted during recent years,

REQUESTS the Organization to carry out a study of the issue, and, if found necessary, to develop appropriate provisions which may be considered in new treaties it may develop, or in amendments to existing treaties, when there will be a need for such provisions to be included so as to enable present and future regional economic integration organizations and their Member States to become parties to such treaties.

RESOLUTION ON CERTIFICATES OF INSURANCE OR OTHER FINANCIAL SECURITY AND SHIPS FLYING THE FLAG OF A STATE UNDER THE TERMS OF A BAREBOAT CHARTER REGISTRATION

THE CONFERENCE,

HAVING adopted the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (hereinafter “the Protocol”),

RECALLING that Article 2(1)(a) of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (hereinafter “the Convention”) provides that the Convention applies to any international carriage if “the ship is flying the flag of, or registered in a State Party”,

ALSO RECALLING that Article 5 of the Protocol (Article 4*bis*(1) of the Convention as modified by the Protocol) provides that any carrier who actually performs the whole or part of the carriage shall maintain insurance or other financial security to cover its liability under the Convention in respect of death of and personal injury to passengers,

FURTHER RECALLING that Article 5 of the Protocol (Article 4*bis*(2) of the Convention as modified by the Protocol) provides that a certificate (hereinafter “the certificate”) attesting that insurance or other financial security is in force, in accordance with the provisions of the Convention, shall be issued to each ship,

RECOGNIZING that since the adoption of the Convention in 1974, considerable evolution has taken place in the legal systems and in the practices of States in respect of the conditions under which they allow a ship to fly their flag,

COGNIZANT of the fact that a number of States allow ships to fly their flag under the terms of bareboat charter, through which the bareboat charterer assumes all the duties and responsibilities of the owner for the operation of the ship whilst the ownership and encumbrances remain registered in another State which suspends the right of the ship to fly its flag,

REQUESTS the Organization to carry out a study of the issuing of the certificate with regard to bareboat charter registration in the context of the Convention as modified by the Protocol and, if found necessary, to develop appropriate guidelines.

**RESOLUTION ON FRAMEWORK OF GOOD PRACTICE WITH RESPECT TO
CARRIERS' LIABILITIES**

THE CONFERENCE,

HAVING adopted the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (hereinafter "the Protocol"),

NOTING that Article 6 of the Protocol (Article 7 paragraph 1 of the Convention as modified by the Protocol) provides for the limit of liability of the carrier for death of or personal injury to a passenger to be 400,000 units of account per passenger,

CONSIDERING that Article 5 of the Protocol (Article 4*bis* paragraph 1 of the Convention as modified by the Protocol) requires a carrier to maintain compulsory insurance or other financial security of 250,000 units of account per passenger in respect of the carrier's liability under the Convention as revised by the Protocol for the death of or personal injury to a passenger,

RECALLING that the Assembly of the International Maritime Organization (hereinafter "the Organization") has adopted resolution A.898(21) on Guidelines on Shipowners' Responsibilities in Respect of Maritime Claims through which the shipowners are urged to maintain insurance cover to meet their liabilities for relevant claims up to the limits set out in Articles 6 and 7 of the International Convention on Limitation of Liability for Maritime Claims, 1976 including any amendments thereto that are in force internationally,

BELIEVING that it is desirable for States Parties to the Convention to ensure that carriers maintain full insurance or other financial security to meet their liabilities under the Convention for the death of or personal injury to passengers,

REQUESTS the Organization to consider the issue, and, if found necessary, to develop appropriate guidelines on the provision of insurance or other financial security for compensation for claims for death of or personal injury to passengers which will establish an appropriate framework of good practice to ensure that all carriers take steps to maintain full insurance or financial security to meet the full level of their liability provided in Article 6 of the Protocol (Article 7 paragraph 1 of the Convention as revised by the Protocol).
