

C-4: ATHENS CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA

Name of the Convention: Athens Convention relating to the Carriage of Passengers and their Luggage by Sea

Acronym or short name: PAL

International organisation in charge: International Maritime Organization (IMO)

Summary description: The Convention is designed to consolidate and harmonize two earlier **Brussels Conventions** dealing with passengers and luggage which were adopted respectively in 1961 and 1967.

The Convention establishes a regime of liability for damage suffered by passengers carried on a seagoing vessel. It declares carrier liable for damage or loss suffered by a passenger if the damage occurred in the course of the carriage and was due to the fault or neglect of the carrier (art.3).

However, unless the carrier acted with intent to cause such damage, or with knowledge that such damage would probably result, he can limit his liability. **For the death of, or personal injury to, a passenger, this limit of liability is set at 46,666 Special Drawing Rights (SDR) per carriage.**

The 2002 Protocol will substantially raise those limits to **250,000 SDR per passenger** on each distinct occasion.

As far as **loss of or damage to luggage** is concerned, the carrier's limit of liability varies, depending on whether the loss or damage occurred in respect of cabin luggage, of a vehicle and/or luggage carried in or on it, or in respect of other luggage (art.8).

Date of first approval: 13 December 1974

Date of coming into force: 28 April 1987

Dates of revision and Reasons of revisions:

- [1976 Protocol](#) (entry into force on 30 April 1989):

The Protocol makes the unit of account the Special Drawing Right (SDR)

- [1990 Protocol](#) is superseded by the 2002 Protocol.

- **2002 Protocol:** (entry into force on 23 April 2014)

The Protocol introduces **compulsory insurance** (new article 4 bis) to cover passengers on ships and raises the limits of liability (the limit shall **not be less than 250,000 SDR per passenger on each distinct occasion**). **If the loss exceed the limit, the carrier is further liable up to a limit of 400,000SDR per passenger, unless the carrier proves the causing incident occurred without the fault or neglect of the carrier.** It also introduces mechanisms to assist passengers in obtaining compensation. These include replacing **the fault-based liability system** with **a strict liability system**, backed by the requirement that the carrier take out compulsory insurance to cover this potential claims. The Protocol also includes **an “opt-out” clause**, enabling State Parties to retain or introduce higher limits of liability (or unlimited liability) for personal injury and death caused by carriers who are subject to the jurisdiction of their States courts. Finally, the Protocol introduces **a tacit acceptance procedure** for enabling to raise the limits of liability smoothly in future. The PAL Convention and 2002 Protocol shall constitute and **be called “the Athen Convention relating to the Carriage of Passengers and their Luggage by Sea,2002”**

Applicability (situation of ratification):

The 2002 Protocol will enter into force 12 months after being accepted by 10 States.

(adopted on 1 November 2002, entry into force on 23 April 2014, 13 States ratification as of 02

December 2013)

Stakes for ports: Ports are concerned by the scope of application of the Convention. In article 2, it is mentioned that the Convention applies to any international carriage if “the place of departure or destination is in a State Party” .

Links with other Conventions:

[International Convention relating to the limitation of Liability of Owners of Sea going Ships, and Protocol of signature \(Brussels, 1957\)](#)

Key-words: carriage, passengers, luggage, limit of liability, claims

Internet hyperlink with other website:

(IMO) <http://www.imo.org/>

(full text, PAL 1974) <http://www.admiraltylawguide.com/conven/passengers1974.html>

(Protocol 2002 etc)

<http://www.gard.no/ikbViewer/Content/72411/Athens%20Convention%20and%20ratifications%20April%202013.pdf#search='pal+2002%2Ctext'>