

## EU Passenger Regulation 2009 (PLR) – Application to domestic sea going voyages

28<sup>th</sup> September 2016

We have already reported in our previous Newsletter ( 21/12) the terms of EU Passenger Liability Regulation 392/2009(PLR) which entered into force on 31.12.2012 in all States of the European Union. Our Newsletter 21/12 noted:

“The PLR will apply in all European Union (EU) and European Economic Area (EEA) Member States from 31 December 2012. The Regulation gives effect to the key provisions of the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974 as amended by the 2002 Protocol (the “Convention”), together with the 2006 IMO Reservation and Guidelines for Implementation of the Convention covering war and terrorism risks (the “Guidelines”).

A significant feature of the PLR is that it extends the provisions of the Convention to certain categories of passenger ships engaged in **domestic** sea going voyages, unless the Member State or EEA State takes steps to defer application of the Regulation to such voyages, as allowed under the provision of the Regulation.”

To the best of our knowledge and as at the time of writing , we understand that the following European countries have taken the decision that the PLR **would not be applied to domestic carriage until 31.12.2016 for Class A vessels** and 31.12.2018 for Class B vessels;

- Croatia
- Cyprus
- Estonia
- Germany
- Greece
- Ireland (although no Class A vessels on their registry at present therefore Class B 2018)
- Italy
- Latvia
- Portugal
- UK

*Source: Based on information provided to the Commission by Member States , updated on 16 September 2013.*

Class C and Class D ships, have been excluded, so far, from any application of PLR.

With regards to the Classes in which domestically trading vessels are divided we set out below the COUNCIL DIRECTIVE 98/18/EC of 17 March 1998 definitions. The vessels certificate of Class and/or port of registry certificate should indicated the extent of sea miles from the coast that the individual vessel is allowed to perform and from which can therefore be ascertained which Class the passenger ship falls , either Class A, B, C , D.

**COUNCIL DIRECTIVE 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships.**

Classes of passenger ships:

Passenger ships are divided into the following classes according to the sea area in which they operate:

**'Class A'** means a passenger ship engaged on domestic voyages other than voyages covered by Classes B, C and D.

**'Class B'** means a passenger ship engaged on domestic voyages in the course of which it is at no time more than 20 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.

**'Class C'** means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 2.5 m significant wave height is smaller than 10 % over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period (e.g. summer period operation), in the course of which it is at no time more than 15 miles from a place of refuge, nor more than five miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.

**'Class D'** means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 1.5 m significant wave height is smaller than 10 % over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period (e.g. summer period operation), in the course of which it is at no time more than six miles from a place of refuge, nor more than three miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.

Accordingly and subject the category (class of passenger vessel as defined above), domestically trading 'Class A' vessels in the countries indicated above will require to have PLR certification onboard. As our Newsletter 21/12 advised;

**"PLR Certification**

The application to an EU/EEA Member State for PLR certificates will require the submission of two blue cards from insurers. One Blue Card for **non-war risks** and a second Blue Card for **war risks.**"

## Information requested

If your vessel/s by trade and category are defined as Class A and require the Blue Cards, please advise and provide details for each such vessel as follows:

- Name of the ship.
- The port of registry.
- Vessel IMO number.
- Name and full address of the principal place of business of the Operator / Performing Carrier.
- Passenger capacity, as evidenced by **Passenger Ship Safety Certificate** (issued by the Flag State and renewed on an annual basis) and more specifically in its Appendix **“Record of Equipment for the Passenger Ship Safety Certificate (Form P)”**.
- Terms, limits, insured values and quality of security of the shipowner’s primary H&M War Risks insurance with confirmation that it does extend to P&I war risk (War P&I Risks Inclusion Clause), for a separate limit, equal to insured value.

Please do not hesitate to contact our office in case further information and/or advice on the above issue is required and in particular to initiate the certification process in order to meet the compliance date of 31.12.2016.

This Newsletter, and our information archive, can also be accessed at [www.plferrari.com](http://www.plferrari.com)

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