

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2013 Nr. 90

A. TITEL

*Protocol van 2002 bij het Verdrag van Athene inzake het vervoer van passagiers en hun bagage over zee, 1974;
(met Bijlage)
Londen, 1 november 2002*

B. TEKST

De Engelse tekst van het Protocol, met Bijlage, en de geconsolideerde Engelse tekst van het Verdrag, met Bijlage, zijn geplaatst in *Trb.* 2011, 110.

C. VERTALING

Zie *Trb.* 2011, 110.

D. PARLEMENT

Zie *Trb.* 2011, 110.

Artikel 1 van de Rijkswet van 28 juni 2012 (*Stb.* 2012, 348) luidt als volgt:

„Artikel 1

Het op 1 november 2002 te Londen tot stand gekomen Protocol van 2002 bij het Verdrag van Athene inzake het vervoer van passagiers en hun bagage over zee, 1974, waarvan de Engelse tekst en de vertaling in het Nederlands zijn geplaatst in *Tractatenblad* 2011, 110, wordt goedgekeurd voor het gehele Koninkrijk.”

Deze Rijkswet is gecontrasigneerd door de Minister van Veiligheid en Justitie I.W. OPSTELTEN, de Minister van Buitenlandse Zaken U. ROSENTHAL en de Minister van Infrastructuur en Milieu M.H. SCHULTZ VAN HAEGEN-MAAS GEESTERANUS.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2011/2012, 2012/2013, 33216 (R1980); Hand. II 2011/2012, 2012/2013, 33216 (R1980); Kamerstukken I 2011/2012, 33216 (R1980); Hand. I 2011/2012, 33216 (R1980).

E. PARTIJGEGEVENS

Protocol en Verdrag

Zie *Trb.* 2011, 110.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië		16-03-05	T	23-04-14		
België		23-04-13	T	23-04-14		
Belize		22-08-11	T	23-04-14		
Denemarken		23-05-12	T	23-04-14		
Duitsland	29-04-04					
EU (Europese Unie)		15-12-11	T	23-04-14		
Finland	28-04-04					
Letland		17-02-05	T	23-04-14		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	–	26-09-12 – – – – –	T	23-04-14 – – – – –		
Noorwegen	31-03-04					
Palau		29-09-11	T	23-04-14		
Saint Kitts en Nevis		30-08-05	T	23-04-14		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Servië		25-05-11	T	23-04-14		
Spanje	14-01-04					
Syrië		10-03-05	T	23-04-14		
Verenigd Koninkrijk	27-04-04					
Zweden	30-04-04					

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Verklaringen, voorbehouden en bezwaren

Albanië, 16 maart 2005

The Republic of Albania declares that it intends to denounce:

- The Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at Athens on 13 December 1974;
- The Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at London on 19 November, 1976; and
- The Protocol of 1990 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at London on 29 March 1990.

This denunciation will take effect from the date of entry into force for the Republic of Albania of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at London on 1 November 1974.

België, 23 april 2013

The instrument of accession by the Kingdom of Belgium was accompanied by a reservation, for its content please refer to the reservation of Denmark below, mutatis mutandi.

Denemarken, 23 mei 2012

The instrument of accession by the Kingdom of Denmark was accompanied by the following declaration:

Limitation of liability of carriers, etc.

1. The Government of Denmark reserves the right to and undertakes to limit liability under paragraph 1 or 2 of article 3 of the Convention, if any, in respect of death of or personal injury to a passenger caused by

any of the risks referred to in paragraph 2.2 of the IMO Guidelines for Implementation of the Athens Convention to the lower of the following amounts:

- 250,000 units of account in respect of each passenger on each distinct occasion,
 - or
 - 340 million units of account overall per ship on each distinct occasion.
2. Furthermore, the Government of Denmark reserves the right to and undertakes to apply the IMO Guidelines for Implementation of the Athens Convention, paragraphs 2.1.1 and 2.2.2 *mutatis mutandis*, to such liabilities.
 3. The liability of the performing carrier pursuant to article 4 of the Convention, the liability of the servants and agents of the carrier or the performing carrier pursuant to article 11 of the Convention and the limit of the aggregate of the amounts recoverable pursuant to article 12 of the Convention shall be limited in the same way.
 4. The reservation and undertaking in paragraph 1.2 will apply regardless of the basis of liability under paragraph 1 or 2 of article 3 and notwithstanding anything to the contrary in article 4 or 7 of the Convention; but this reservation and undertaking do not affect the operation of articles 10 and 13.
- Compulsory insurance and limitation of liability of insurers
5. The Government of Denmark reserves the right to and undertakes to limit the requirement under paragraph 1 of article 4bis to maintain insurance or other financial security for death or personal injury to a passenger caused by any of the risks referred to in paragraph 2.2 of the IMO Guidelines for Implementation of the Athens Convention to the lower of the following amounts:
 - 250,000 units of account in respect of each passenger on each distinct occasion,
 - or
 - 340 million units of account overall per ship on each distinct occasion.
 6. The Government of Denmark reserves the right to and undertakes to limit the liability of the insurer or other person providing financial security under paragraph 10 of article 4bis, for death or personal injury to a passenger caused by any of the risks referred to in paragraph 2.2 of the IMO Guidelines for Implementation of the Athens Convention, to a maximum limit of the amount of insurance or other financial security which the carrier is required to maintain under paragraph 1.6 of this reservation.
 7. The Government of Denmark also reserves the right to and undertakes to apply the IMO Guidelines for Implementation of the Athens Convention including the application of the clauses referred to in paragraphs 2.1 and 2.2 in the Guidelines in all compulsory insurance under the Convention.

8. The Government of Denmark reserves the right to and undertakes to exempt the provider of insurance or other financial security under paragraph 1 of article 4bis from any liability for which he has not undertaken to be liable.

Certification

9. The Government of Denmark reserves the right to and undertakes to issue insurance certificates under paragraph 2 of article 4bis of the Convention so as:

- to reflect the limitations of liability and the requirements for insurance cover referred to in paragraphs 1.2, 1.6, 1.7 and 1.9; and
- to include such other limitations, requirements and exemptions as it finds that the insurance market conditions at the time of the issue of the certificate necessitate.

10. The Government of Denmark reserves the right to and undertakes to accept insurance certificates issued by other States Parties issued pursuant to a similar reservation.

11. All such limitations, requirements and exemptions will be clearly reflected in the Certificate issued or certified under paragraph 2 of article 4bis of the Convention.

Relationship between this Reservation and the IMO Guidelines for Implementation of the Athens Convention

12. The rights retained by this reservation will be exercised with due regard to the IMO Guidelines for Implementation of the Athens Convention, or to any amendments thereto, with an aim to ensure uniformity. If a proposal to amend the IMO Guidelines for Implementation of the Athens Convention, including the limits, has been approved by the Legal Committee of the International Maritime Organisation, those amendments will apply as from the time determined by the Committee. This is without prejudice to the rules of international law regarding the right of a state to withdraw or amend its reservation.

The Government of Denmark declares that judgments on matters covered by the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002 (the Convention) shall, when given by a court of a European Union Member State other than Denmark, be recognized and enforced in Denmark according to the relevant internal Union rules on the subject based on the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

EU (Europese Unie), 15 december 2011

European Union Declaration of Competence

As regards matters covered by articles 10 and 11 of the Athens Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, which come under article 81 of the Treaty on the Functioning of the European Union, the Member States of the European Union, with the exception of the Kingdom of Denmark, in

accordance with articles 1 and 2 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, have conferred competences to the Union. The Union exercised this competence by adopting Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

European Union Declaration on Article 17bis(3) of the Athens Convention, as amended by Article 11 of the Athens Protocol.

1. Judgments on matters covered by the Athens Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, when given by a court of the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden or the United Kingdom of Great Britain and Northern Ireland, shall be recognised and enforced in a Member State of the European Union in accordance with the relevant rules of the European Union on the subject.

2. Judgments on matters covered by the Athens Protocol, when given by a court of the Kingdom of Denmark, shall be recognised and enforced in a Member State of the European Union in accordance with the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

3. Judgments on matters covered by the Athens Protocol, when given by a court of a third State:

a) bound by the Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters of 30 October 2007 shall be recognised and enforced in the Member States of the European Union in accordance with that Convention;

b) bound by the Lugano Convention on jurisdiction and the enforcement of judgments in civil and commercial matters of 16 September 1988 shall be recognised and enforced in the Member States of the European Union in accordance with that Convention.

European Union Declaration of Competence

1. Article 19 of the Athens Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 provides that Regional Economic Integration Organisations which are constituted by sovereign States that have transferred competence over certain matters governed by that Protocol to them may sign it, on con-

dition that they make the declaration referred to in that article. The Union has decided to accede to the Athens Protocol and is accordingly making that declaration.

2. The current Members of the European Union are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

3. This declaration is not applicable to the territories of the Member States of the European Union in which the Treaty on the Functioning of the European Union (TFEU) does not apply and is without prejudice to such acts or positions as may be adopted under the Protocol by the Member States concerned on behalf of, and in the interests of, those territories.

4. The Member States of the European Union have conferred exclusive competence to the Union as regards measures adopted on the basis of article 100 of the TFEU. Such measures have been adopted as regards articles 1 and 1 bis, article 2(2), articles 3 to 16 and articles 18, 20 and 21 of the Athens Convention as amended by the Athens Protocol and the provisions of the IMO Guidelines, by means of 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.

5. The exercise of competence which the Member States have transferred to the European Union pursuant to the TFEU is, by its nature, liable to continuous development. In the framework of the TFEU, the competent institutions may take decisions which determine the extent of the competence of the European Union. The European Union therefore reserves the right to amend this declaration accordingly, without this constituting a prerequisite for the exercise of its competence with regard to matters governed by the Athens Protocol. The European Union will notify the amended declaration to the Secretary-General of the International Maritime Organization.

European Union Reservation

Reservation in connection with the ratification by the European Union of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002 (the Convention).

Limitation of liability of carriers, etc.

1. The European Union reserves the right to and undertakes to limit liability under paragraph 1 or 2 of article 3 of the Convention, if any, in respect of death of or personal injury to a passenger caused by any of

the risks referred to in paragraph 2.2 of the IMO Guidelines for Implementation of the Athens Convention to the lower of the following amounts:

- 250,000 units of account in respect of each passenger on each distinct occasion,
 - or
 - 340 million units of account overall per ship on each distinct occasion.
2. Furthermore, the European Union reserves the right to and undertakes to apply the IMO Guidelines for Implementation of the Athens Convention, paragraphs 2.1.1 and 2.2.2 *mutatis mutandis*, to such liabilities.
 3. The liability of the performing carrier pursuant to article 4 of the Convention, the liability of the servants and agents of the carrier or the performing carrier pursuant to article 11 of the Convention and the limit of the aggregate of the amounts recoverable pursuant to article 12 of the Convention shall be limited in the same way.
 4. The reservation and undertaking in paragraph 1.2 will apply regardless of the basis of liability under paragraph 1 or 2 of article 3 and notwithstanding anything to the contrary in article 4 or 7 of the Convention; but this reservation and undertaking do not affect the operation of articles 10 and 13.
Compulsory insurance and limitation of liability of insurers
 5. The European Union reserves the right to and undertakes to limit the requirement under paragraph 1 of article 4bis to maintain insurance or other financial security for death or personal injury to a passenger caused by any of the risks referred to in paragraph 2.2 of the IMO Guidelines for Implementation of the Athens Convention to the lower of the following amounts:
 - 250,000 units of account in respect of each passenger on each distinct occasion,
 - or
 - 340 million units of account overall per ship on each distinct occasion.
 6. The European Union reserves the right to and undertakes to limit the liability of the insurer or other person providing financial security under paragraph 10 of article 4bis, for death or personal injury to a passenger caused by any of the risks referred to in paragraph 2.2 of the IMO Guidelines for Implementation of the Athens Convention, to a maximum limit of the amount of insurance or other financial security which the carrier is required to maintain under paragraph 1.6 of this reservation.
 7. The European Union also reserves the right to and undertakes to apply the IMO Guidelines for Implementation of the Athens Convention including the application of the clauses referred to in paragraphs 2.1 and 2.2 in the Guidelines in all compulsory insurance under the Convention.

8. The European Union reserves the right to and undertakes to exempt the provider of insurance or other financial security under paragraph 1 of article 4bis from any liability for which he has not undertaken to be liable.

Certification

9. The European Union reserves the right to and undertakes to issue insurance certificates under paragraph 2 of article 4bis of the Convention so as:

- to reflect the limitations of liability and the requirements for insurance cover referred to in paragraphs 1.2, 1.6, 1.7 and 1.9; and
- to include such other limitations, requirements and exemptions as it finds that the insurance market conditions at the time of the issue of the certificate necessitate.

10. The European Union reserves the right to and undertakes to accept insurance certificates issued by other States Parties issued pursuant to a similar reservation.

11. All such limitations, requirements and exemptions will be clearly reflected in the Certificate issued or certified under paragraph 2 of article 4bis of the Convention.

Relationship between this Reservation and the IMO Guidelines for Implementation of the Athens Convention

12. The rights retained by this reservation will be exercised with due regard to the IMO Guidelines for Implementation of the Athens Convention, or to any amendments thereto, with an aim to ensure uniformity. If a proposal to amend the IMO Guidelines for Implementation of the Athens Convention, including the limits, has been approved by the Legal Committee of the International Maritime Organisation, those amendments will apply as from the time determined by the Committee. This is without prejudice to the rules of international law regarding the right of a state to withdraw or amend its reservation.

Letland, 17 februari 2005

In accordance with article 17, paragraph 5 and article 20 of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done in London on 1 November 2002, the Republic of Latvia communicates that the withdrawal of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at Athens on 13 December 1974 and the Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at London 19 November 1976, deposited by the Republic of Latvia at the International Maritime Organization on 15 February 2005, will take effect upon the entry into force of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea.

Nederlanden, het Koninkrijk der, 26 september 2012

Declares in conformity with the provisions of Article 17, paragraph 3, of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, [...] that the provisions so accepted shall be observed subject to the following reservations:

1. Limitation of liability of carriers

a. The Kingdom of the Netherlands, for the European part of the Netherlands, reserves the right to and undertakes to limit liability under paragraph 1 or 2 of Article 3 of the Convention, in any, in respect of death of or personal injury to a passenger caused by any of the risks referred to in paragraph 2.2 of the IMO Guidelines for Implementation of the Athens Convention to the lower of the following amounts

– 250,000 units of account in respect of each passenger on each distinct occasion;

or

– 340 million units of account overall per ship on each distinct occasion.

b. The Kingdom of the Netherlands, for the European part of the Netherlands, reserves the right to and undertakes to apply the IMO Guidelines for Implementation of the Athens Convention paragraphs 2.1.1 and 2.2.2 *mutatis mutandis*, to such liabilities.

c. The liability of the performing carrier pursuant to Article 4 of the Convention, the liability of the servants and agents of the carrier or the performing carrier pursuant to Article 11 of the Convention and the limit of the aggregate of the amounts recoverable pursuant to Article 12 of the Convention shall be limited in the same way.

d. The reservation and undertaking in paragraph 1.a will apply regardless of the basis of liability under paragraph 1 or 2 of Article 3 and notwithstanding anything to the contrary in Article 4 or 7 of the Convention; but this reservation and undertaking do not affect the operation of Articles 10 and 13.

2. Compulsory insurance and limitation of liability of insurers

a. The Kingdom of the Netherlands, for the European part of the Netherlands, reserves the right to and undertakes to limit the requirement under paragraph 1 of Article 4bis to maintain insurance or other financial security for death or personal injury to a passenger caused by any of the risks referred to in paragraph 2.2 of the IMO Guidelines for Implementation of the Athens Convention to the lower of the following amounts:

– 250,000 units of account in respect of each passenger on each distinct occasion;

or

– 340 million units of account overall per ship on each distinct occasion.

b. The Kingdom of the Netherlands, for the European part of the Netherlands, reserves the right to and undertakes to limit the liability

of the insurer or other person providing financial security under paragraph 10 of Article 4bis for death or personal injury to a passenger caused by any of the risks referred to in paragraph 2.2 of the IMO Guidelines for Implementation of the Athens Convention, to a maximum limit of the amount of insurance or other financial security which the carrier is required to maintain under paragraph 2.a of this reservation.

c. The Kingdom of the Netherlands, for the European part of the Netherlands, also reserves the right to and undertakes to apply the IMO Guidelines for Implementation of the Athens Convention including the application of the clauses referred to in paragraphs 2.1 and 2.2 in the Guidelines in all compulsory insurance under the Convention.

d. The Kingdom of the Netherlands, for the European part of the Netherlands, reserves the right to and undertakes to exempt the provider of insurance or other financial security under paragraph 1 of Article 4bis from any liability for which he has not undertaken to be liable.

3. Certification

a. The Kingdom of the Netherlands, for the European part of the Netherlands, reserves the right to and undertakes to issue insurance certificates under paragraph 2 of Article 4bis of the Convention so as:

- to reflect the limitations of liability and the requirements for insurance cover referred to in paragraphs 1.a, 2.a, 2.b and 2.d; and
- to include such other limitations, requirements and exemptions as it finds that the insurance market conditions at the time of the issue of the certificate necessitate.

b. The Kingdom of the Netherlands, for the European part of the Netherlands, reserves the right to and undertakes to accept insurance certificates issued by other States Parties issued pursuant to a similar reservation.

c. All such limitations, requirements and exemptions will be clearly reflected in the Certificate issued or certified under paragraph 2 of Article 4bis of the Convention.

4. Relationship between this Reservation and the IMO Guidelines for Implementation of the Athens Convention

The rights retained by this reservation will be exercised with due regard to the IMO guidelines for Implementation of the Athens Convention, or to any amendments thereto, with an aim to ensure uniformity. If a proposal to amend the IMO Guidelines for Implementation of the Athens Convention, including the limits, has been approved by the Legal Committee of the International Maritime Organization those amendments will apply as from the time determined by the Committee. This is without prejudice to the rules of international law regarding the right of a State to withdraw or amend its reservation.

Servië, 25 mei 2011

On the day of the entry into force of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, adopted in London on 1 November 2002, on international level, the Republic of Serbia shall terminate the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, adopted in Athens on 13 December 1974.

Syrië, 10 maart 2005

[...] Ratification of this Protocol by the Syrian Arab Republic in no way implies recognition of Israel and will not result in Syria's entering into any relations with it whatsoever under the rules of this Protocol.

G. INWERKINGTREDING

Zie *Trb.* 2011, 110.

De bepalingen van het Protocol en van het Verdrag van Athene, zoals gewijzigd, van 1 november 2002 zullen ingevolge artikel 20, eerste lid, van het Protocol op 23 april 2014 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zullen het Protocol en het Verdrag alleen voor Nederland (het Europese deel) gelden.

J. VERWIJZINGEN

Zie voor verwijzingen en overige verdragsgegevens *Trb.* 2011, 110.

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945

Laatste *Trb.* : *Trb.* 2012, 200

Titel : Overeenkomst betreffende het Internationale Monetair
Fonds;
Washington, 27 december 1945

Laatste *Trb.* : *Trb.* 2011, 141

Uitgegeven de *dertigste* mei 2013.

De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS