



**COUNCIL OF
THE EUROPEAN UNION**

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ADDENDUM TO "I/A" ITEM NOTE

from: General Secretariat of the Council
to: COREPER /COUNCIL

No. Cion prop.: 6827/06 MAR 22 ENV 127 CODEC 195, 14302/07 MAR 85 ENV 556 CODEC 1127

Subject: Proposal for a Regulation of the European Parliament and of the Council on the liability of carriers of passengers by sea and inland waterways in the event of accidents **[first reading]**

- Adoption of **(LA + S)**
 - (a) the common position
 - (b) the statement of the Council's reasons
- Statements

STATEMENT BY THE COMMISSION

"The Commission does not wish to stand in the way of a majority agreement on this important proposal that would establish a harmonised legal framework ensuring that passengers on vessels receive adequate compensation in the event of an accident.

The Commission nevertheless regrets that the Council has not stuck to the original aim of its proposal, but has effectively reduced its scope by excluding inland navigation and a large part of domestic carriage. The Council has also rejected two mechanisms to harmonise compensation levels that would have worked to the benefit of both passengers involved in accidents and the industry: as the political agreement stands, such passengers cannot in all cases be compensated up to the ceilings set by the Athens Convention and, in certain circumstances, carriers could be made to pay higher compensation than is provided for in the Athens Convention.

Lastly, the Commission does not support the wording of recital 7 as it appears to call into question the extent of exclusive Community competence."

STATEMENT BY THE ITALIAN DELEGATION

"This Regulation raises the level of protection for the users of sea transport and includes among its aims the establishment of a harmonised regime for carrier liability and the protection of passengers. Italy sees the Regulation's purpose as being to establish a harmonised regime and considers that a pick-and-choose Regulation will not ensure clarity or equality of treatment for passengers; disparities between EU Member States' regimes will complicate the management of the sector, creating market distortion. Italy therefore takes the view that, as the Commission initially proposed, Member States should not have the option of applying non-uniform limits on liability. The Commission's original proposal did not include an opt-out clause, i.e. Member States could not lay down non-uniform limits on liability. Moreover, the European Parliament did not make any amendments to the original proposal on this point.

Nevertheless, Italy does not wish to stand in the way of agreement on what in other respects we find to be a well-balanced text which we can support. Italy is therefore abstaining and reiterates its strong misgivings with regard to a choice which fails to address one of the key points in a piece of legislation designed to introduce a uniform regime (the non-application of Article 7(2) of the Athens Convention, a factor seriously diminishing the added value of this Regulation and undermining Member States' efforts to achieve harmonisation)."