

FINLANDS FÖRFATTNINGSSAMLINGS FÖRDRAGSSERIE

Utgiven i Helsingfors den 30 augusti 2017

71/2017

Kommunikationsministeriets meddelande

om ett förbehåll som gjorts i samband med godkännandet av 2002 års protokoll till 1974 års Atenkonvention om befordran till sjöss av passagerare och deras resgods

Kommunikationsministeriet meddelar att Finland i samband med godkännandet av 2002 års protokoll till 1974 års Atenkonvention om befordran till sjöss av passagerare och deras resgods gjort ett förbehåll enligt bilagan nedan. Förbehållet grundar sig på artikel 4.2 i rådets beslut 2012/22/EU om Europeiska unionens anslutning till 2002 års protokoll till 1974 års Atenkonvention om befordran till sjöss av passagerare och deras resgods, med undantag för artiklarna 10 och 11.

Anmälan till Internationella sjöfartsorganisationens generalsekreterare har gjorts den 5 juni 2017.

Helsingfors den 24 augusti 2017

Kommunikationsminister Anne Berner

Regeringsråd Tiina Ranne

Reservation in connection with the acceptance by the Government of Finland 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 Government of Finland 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 Finland 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 of this reservation 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 Finland reserves the right to and undertakes to limit the requirement under paragraph 1 of Article 4*bis* 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 Finland reserves the right to and undertakes to limit the liability of the insurer or other person providing financial security under paragraph 10 of Article 4*bis*, 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 5 of this reservation.

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

Certification

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

- to reflect the limitations of liability and the requirements for insurance cover referred to in paragraphs 1, 5, 6 and 8 of this reservation; 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 Finland 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 4*bis* 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 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.