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**PROTOCOL OF 2002 TO THE ATHENS CONVENTION RELATING TO THE CARRIAGE
OF PASSENGERS AND THEIR LUGGAGE BY SEA, 1974**

Accession by Georgia

The Secretary-General of the International Maritime Organization has the honour to refer to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, and to state that in accordance with article 17(3) of the Protocol, accession by Georgia was effected by deposit of an instrument on 22 May 2019.

The instrument of accession by Georgia included a reservation which is annexed to this circular.

The Protocol will enter into force for Georgia on 22 August 2019, in accordance with article 20(2) of the Protocol.

There are at present 30 Contracting States to the Protocol.

Reservation by Georgia**with regard to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002*****Limitation of liability of carriers, etc.***

- 1 The Government of Georgia 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 Georgia 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 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 Georgia 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 Georgia 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 Georgia 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 Georgia 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 Georgia 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, 5, 6 and 8, 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 Georgia 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.'

