

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 (Text with EEA relevance)

Article 5

Global limitation of liability

1 This Regulation shall not modify the rights or duties of the carrier or performing carrier under national legislation implementing the International Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the Protocol of 1996, including any future amendment thereto.

In the absence of any such applicable national legislation, the liability of the carrier or performing carrier shall be governed only by Article 3 of this Regulation.

2 In respect of claims for loss of life or personal injury to a passenger caused by any of the risks referred to in paragraph 2.2 of the IMO Guidelines the carrier and the performing carrier may limit their liability pursuant to the provisions referred to in paragraph 1 of this Article.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EC) No 392/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 1 omitted by [S.I. 2019/649 reg. 6\(11\)](#)
- Art. 1(1)(a) words substituted by [S.I. 2019/649 reg. 6\(2\)\(a\)\(ii\)](#)
- Art. 2(a) words substituted by [S.I. 2019/649 reg. 6\(3\)\(b\)](#)
- Art. 2(b) words substituted by [S.I. 2019/649 reg. 6\(3\)\(b\)](#)
- Art. 2(c) words substituted by [S.I. 2019/649 reg. 6\(3\)\(b\)](#)