

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 6

Advance payment

1 Where the death of, or personal injury to, a passenger is caused by a shipping incident, the carrier who actually performed the whole or a part of the carriage when the shipping incident occurred shall make an advance payment sufficient to cover immediate economic needs on a basis proportionate to the damage suffered within 15 days of the identification of the person entitled to damages. In the event of the death, the payment shall not be less than EUR 21 000.

This provision shall also apply where the carrier is established within the Community.

2 An advance payment shall not constitute recognition of liability and may be offset against any subsequent sums paid on the basis of this Regulation. It shall not be refundable, except in the cases set out in Article 3(1) or Article 6 of the Athens Convention or Appendix A to the IMO Guidelines, or where the person who received it is not the person entitled to damages.

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 :

- Art. 6(1) word substituted by S.I. 2019/649 reg. 6(5)(a)
- Art. 6(1) words substituted by S.I. 2019/649 reg. 6(5)(b)

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)