

Consultation strategy

Ex-post Evaluation of Regulation (EC) No 392/2009 on the liability of carriers of passengers by sea

The consultation activities will be held in the course of the evaluation of Regulation (EC) No 392/2009 on the liability of carriers of passengers by sea, which aims at assessing the application and impacts of the Regulation as a whole from 31/12/2012 when it entered in force. The ex-post evaluation of the Regulation is premised on Articles 1(3), 8 and 9(1) thereof, where an obligation for the Commission to examine the application of the Regulation is established, in particular, with a view to proposing, if appropriate, the amendment of its scope or other elements thereof, subject to a suitable impact assessment.

Objective of the consultation

Goal and scope:

The consultation exercise will include two main axes of actions, i.e. firstly the data collection, and secondly the opinion gathering.

The consultation aims at collecting factual information, data and knowledge on the application of the Regulation. It also aims at drawing upon the experience of different stakeholders with the implementation of the relevant rights and obligations established under the Regulation.

Furthermore the consultation activities aim at collecting particular views and opinions on different aspects of the Regulation and its effects. Among other elements, the consultation activities will cover the five main evaluation criteria, namely:

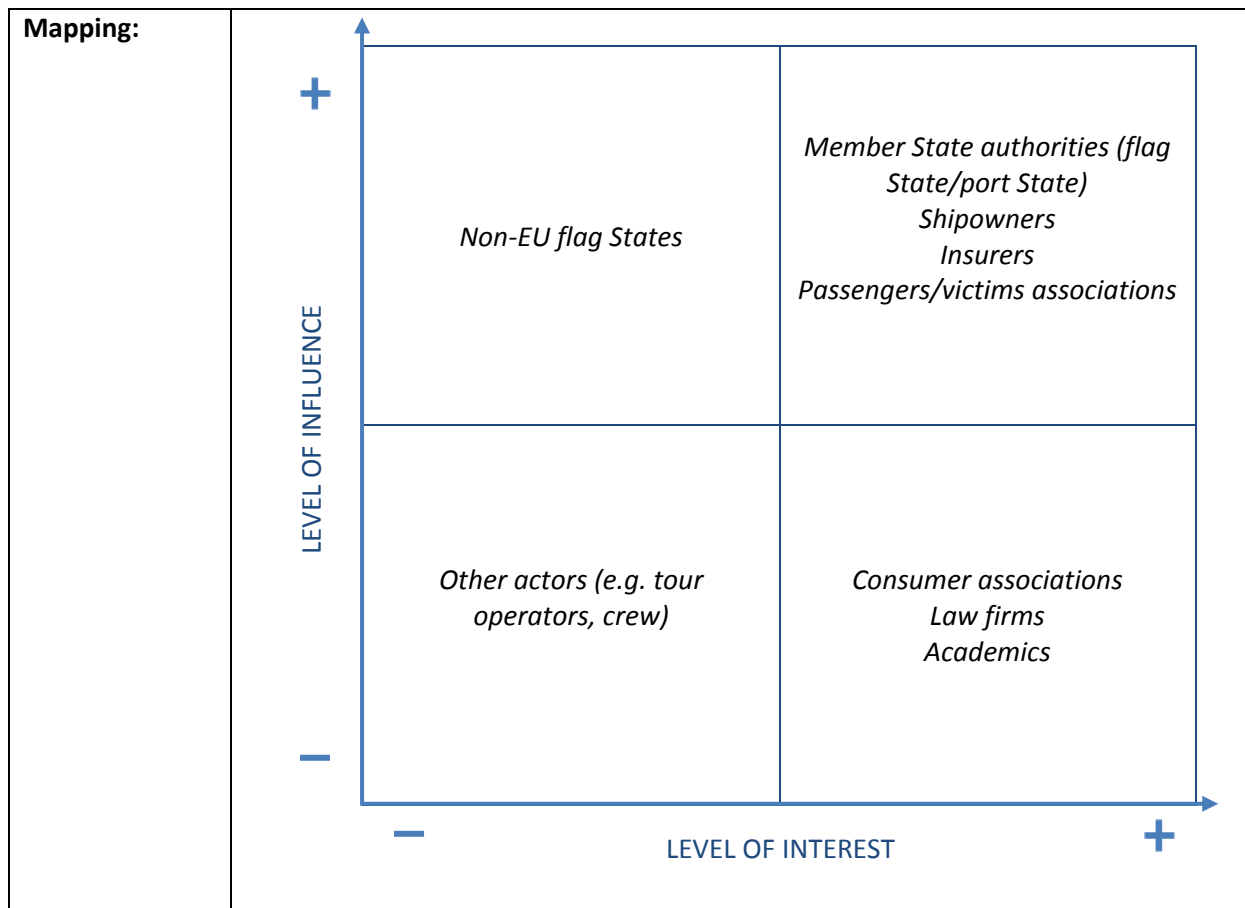
- effectiveness of the intervention,
- efficiency in relation to resources used,
- relevance in relation to identified needs/problems,
- coherence with other interventions with common objective, and
- EU added value compared to what could have been achieved by MS action or only international action.

Identification of stakeholders

Stakeholders:

For the purposes of this evaluation the Commission needs to consult with:

- (a) **Member States** as flag State and as port State;
- (b) **ship-owners** engaged in passenger carriage in the different types of carriage (e.g. through their associations ICS, ECSA, CLIA, Interferry);
- (c) **passengers /victims associations** (e.g. International Cruise Victims Associations, SOS Catastrophes, national consumer protection organisations);
- (d) **insurers** providing cover for non-war risks (e.g. International Group of P&I Clubs, IUMI) and for war risks (e.g. IUMI);
- (e) **third (non-EU) States** whose ships perform carriage falling under the Regulation (e.g. Bahamas);
- (f) **law firms** representing clients for claims under the Regulation (e.g. Ince & Co, Hill Dickinson);
- (g) **academics** (e.g. Scandinavian Institute of Maritime Law – Eric Rosaeg);
- (h) **other actors** involved in the carriage of passengers by sea, who can be involved in the application of the Regulation, such as tour operators and crew.



Consultation methods and tools	
Methods:	The consultation exercise will include two main axes of actions open public consultation addressed to the general public and a set of targeted measures tailored for particular stakeholders groups.
Tools:	<p>A: Consultation of general public will be primary carried out by the Commission with some assistance of the external consultant, in 2016Q3. The consultation process should take the form of:</p> <p>Open public consultation - questionnaire providing a mix of closed and open questions, with the aim to obtain stakeholders' views on five evaluation criteria. The questionnaire for the 12-week public consultation will be prepared by DG MOVE, together with the members of the steering group. The questionnaire will be published on the Your Voice in Europe webpage¹ in the third quarter of 2016. An external contractor will analyse and summarise the submissions.</p> <p>B: Targeted set of measures: will be carried out by the external consultant in the course of the support study for an ex-post evaluation. The consultation activities should take the form of:</p> <p>1. Targeted survey – questionnaires addressed to the relevant authorities of all 28 Member States for port State and flag State control, national ship-owners associations, insurers and passengers (through national passengers associations,</p>

¹ The launch of 12-week open public stakeholder consultation related to this initiative will be announced in the consultation planning that can be found at: http://ec.europa.eu/yourvoice/consultations/docs/planned-consultations_en.pdf.

	<p>consumer associations and victim associations</p> <p>2. Targeted interviews – will primarily address law firms. A limited number of interviews will be reserved to clarify uncertainties and acquire a representative sample of the opinions of relevant stakeholders after the targeted surveys. Moreover, a certain number of interviews could be held in the course of case studies, potentially on the basis of past accidents in case it will be decided to carry them out.</p>
Accessibility:	<p>The Commission will assist the contractor in gaining access to the relevant stakeholders by providing appropriate cover letters to the questionnaires and notifying EU stakeholders of possible interviews.</p> <p>Open public consultation questionnaire will be drafted in English. It will be announced and published on the Your Voice in Europe webpage². The consultation will also be communicated on the website of DG MOVE. A report, to be published, will summarise the findings of the open public consultation.</p> <p>Targeted consultations will also be announced on the Europa website of DG MOVE, on the specific consultation webpage (see below). Targeted stakeholders will be contacted directly by e-mail and/or phone by the external contractor for an interview. The consultation documents will be tailored to the stakeholder group, in terms of terminology and content (type and depth of data). The questionnaires/ interview guides will be drafted based on a preliminary desk and field research carried-out by contractor. The opportunity to hold interviews in several languages, as well as to authorise written contributions instead of interviews, is to be investigated by the external contractor.</p> <p>The results of all consultations will be presented in the final report of the contractor, as well as in a synopsis report. These reports should provide a detailed overview over the progress made in the stakeholder consultations, presenting the methodology, questions put forward, target audience, timing etc. They should also provide an in-depth analysis of the responses to the public consultation including the analysis of the usefulness of policy options proposed by stakeholders.</p>

Consultation website

Background document to the initiative and all consultation documents will be published on the consultation website for this initiative.

http://ec.europa.eu/transport/modes/maritime/consultations/2016-maritime-liability_en.htm

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