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Personal Injury on Pleasure Boats (Skippered & Bareboat Charters) & Day-Cruise Vessels in Seas & Lakes – Liability of Owners & Insurers

- *the European perspective* -

PAN EUROPEAN ORGANISATION OF PERSONAL INJURY LAWYERS
PEOPIL

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Malaga, 2026

Global Justice Network

SUMMARY

1. the numbers (the Italian picture as an example) and types of accidents
2. basic safety standards: pleasure boats (this category may include some daily-cruise vessels)
3. potential defendants
4. uniform rules on liability at the EU level?
5. Insurances: scenarios
6. *Conclusions: lack of uniform rules and certainty across Europe! (… under-protection of victims)*

ACCIDENT AT SEA IN ITALY IN 2025



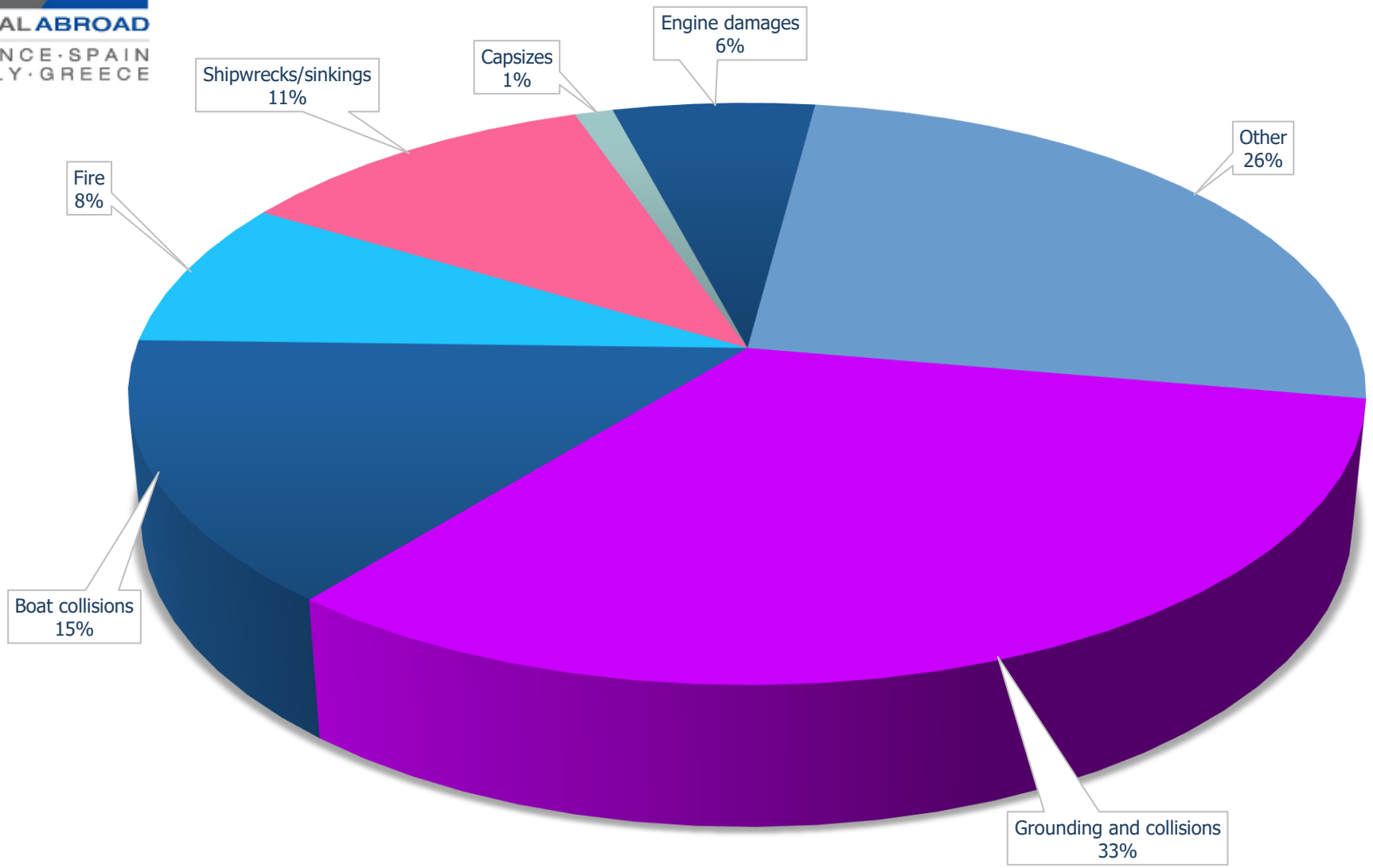
- Prevalence of accidents involving motorised vessels and recreational craft between 10 and 24 metres in length.
- Highest concentration in regions with the highest levels of tourist traffic:
  - Sardinia: groundings on shallow, rocky shoals
  - Liguria and Tuscany: collisions at quayside and collisions whilst entering or leaving marinas
  - Lazio and Campania collisions between pleasure craft and chartered vessels
  - Adriatic Sea (Emilia-Romagna and Veneto): groundings at the mouths of canal harbours and interventions due to sudden deteriorations in summer weather conditions

ACCIDENTS IN LAKES IN 2025



- Pleasure craft on Italian lakes (such as Lake Como, Lake Garda and Lake Maggiore): hire motorboats, speedboats, swimmers and canoes;
- A high concentration in
  - Lake Garda:
    - highest concentration of recreational boaters
    - highest number of interventions by Costal Guard (309 people rescued during the summer season, 389 administrative fines issued, mainly for speeding offences and navigating too close to the shore)
  - Lake Como: increased number of interventions relating to recreational boating (195 people rescued or assisted during the summer season)

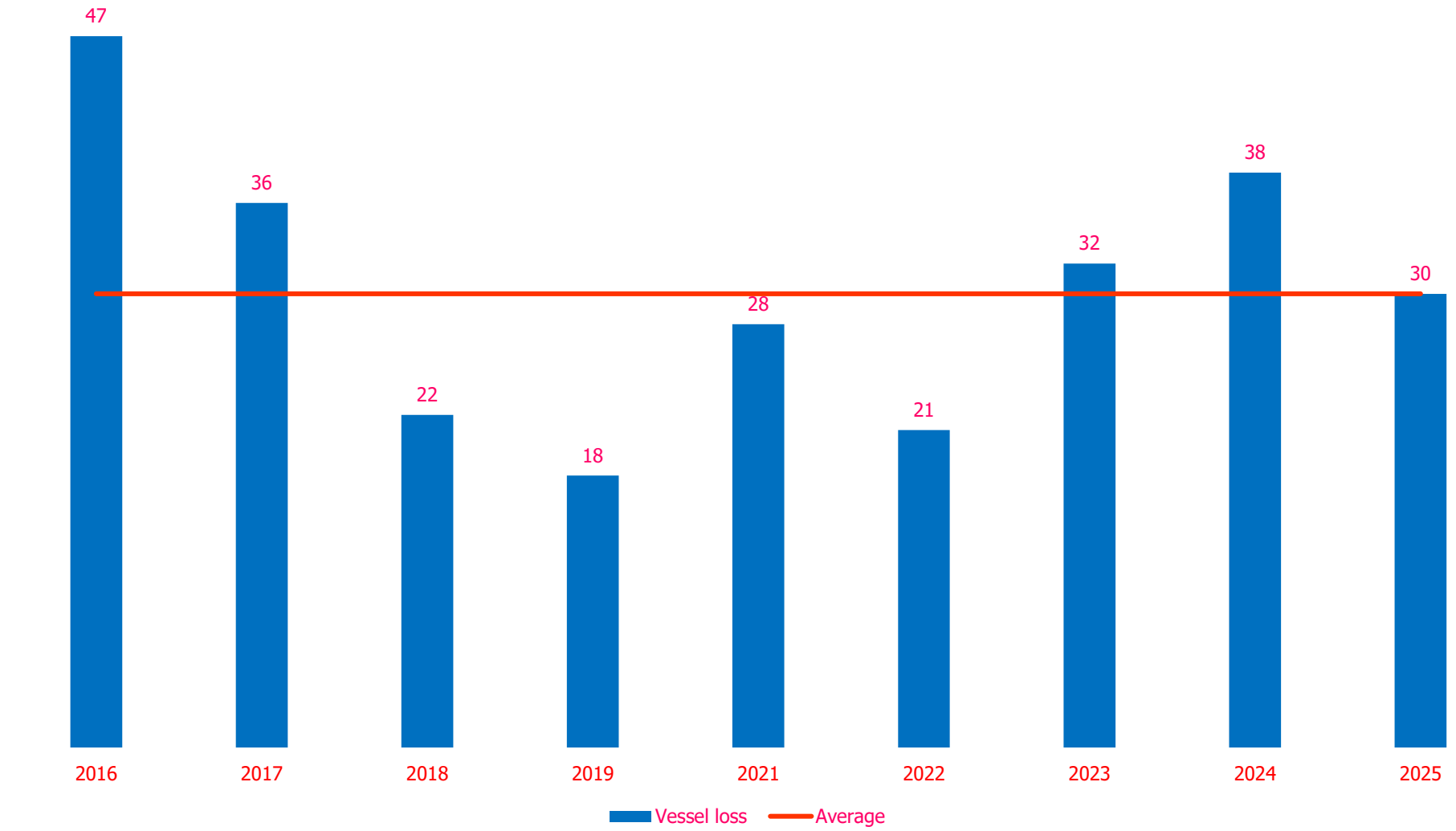
Pleasure boat accidents in Italy by type (2025)



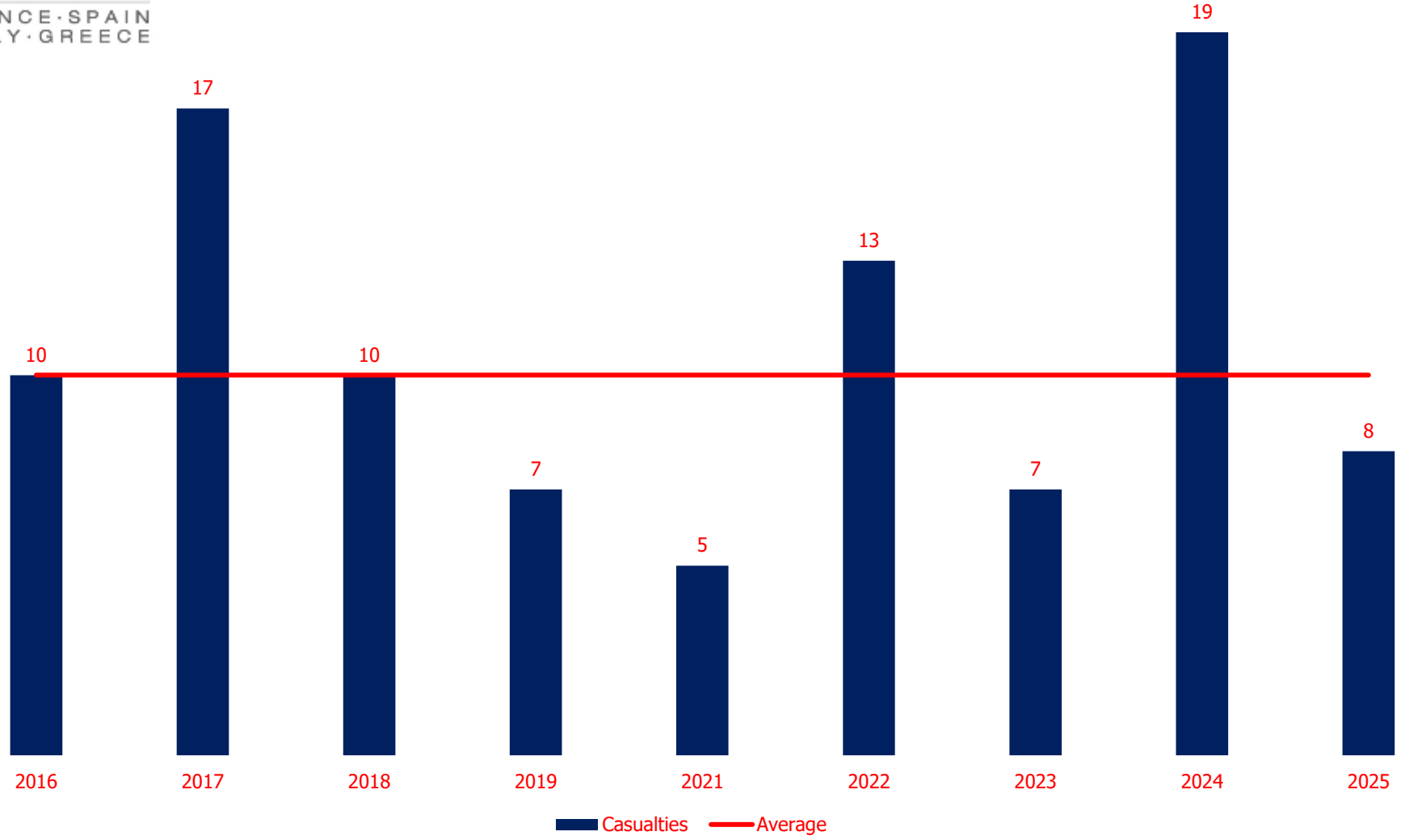
LAKES: MAIN CAUSES AND TYPES OF ACCIDENT (2025)

- Speeding and reckless behaviour: many accidents occur because boats (often operated by tourists or inexperienced people using hire boats) exceed the permitted speed limits or fail to maintain a safe distance from the shore and bathers
- Collisions with swimmers or canoes: boat propellers pose the greatest danger in the event of a collision or when vessels come too close to bathing areas
- Collisions between vessels: head-on or side-on collisions between motorboats, sailing boats or water taxis/small boats (also common on lakes and in lagoons)
- Sudden adverse weather conditions: Boaters caught out by thunderstorms and strong gusts of wind

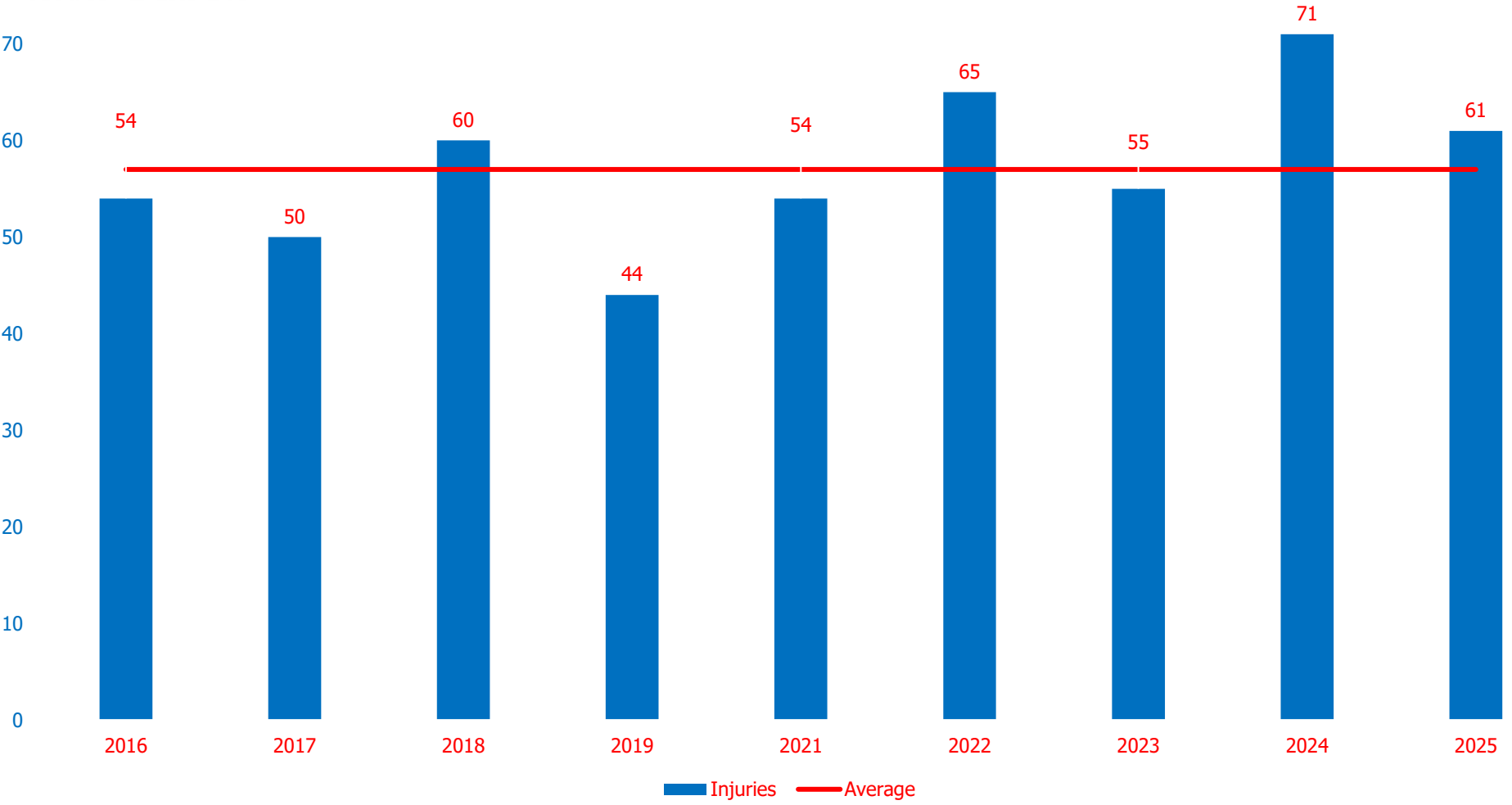
Lost vessels in leisure boats accidents in Italy



Casualties in leisure boats accidents (incl. missing persons) in Italy



Injuries in leisure boat accidents in Italy





In 2025 the Italian Coast Guard has undertaken actions to rescue the vessels and prevent boat accidents in territorial waters, deploying the following resources:

- 3000 women and men
- 400 boats and small units
- 7 main maritime units
- 16 aircarafts

According to the official figures

- 38786 Controls enforced
- 3666 (9%) Violations detected, including:
  - 1222 Boats in restricted areas
  - 777 Non compliant vessel documentation
  - 160 Violations in commercial activities (boat rentals, tour operators, etc.)
  - 110 Notifications for defective safety equipment

The same attention was given to the great lakes (Maggiore, Como and Garda) where

- 4464 controls were enforced
- 587 (13%) Violations detected
- 529 persons were rescued in 239 opeartions



The number of casualties in accidents has been substantially reduced if compared to 2024 (8 vs 19) but brought within the average of the last 10 years

Almost 50% of the leisure boat accidents are due to collisions (with rocks or objects), groundings or collisions with other vessels

It is not possible to define a trend in casualties and injuries over the past 10 years, as the datas are widely scattered.

It is impossible to predict the number of casualties or injuries that may happen in a year.



BASIC SAFETY STANDARDS

"pleasure boats"






"daily-cruise vessels"





PLEASURE BOATS AND DAILY CRUISE VESSELS

DIRECTIVE 2013/53/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 November 2013 on **recreational craft** and **personal watercraft** and repealing Directive 94/25/EC

recreational watercraft is «***any watercraft of any type, excluding personal watercraft, intended for sports and leisure purposes of hull length from 2,5 m to 24 m, regardless of the means of propulsion***»





PLEASURE BOATS

*Exemples of "**personal watercraft**"*









DEFINITIONS/SAFETY STANDARDS

Directive 2013/53/EU:

- lays down requirements for manufacturers, importers and distributors of watercrafts (both *personal* and *recreational*)
- specifies design categories for boats, based on suitability for navigation conditions such as ranges of wind force and significant wave height
- it provides for essential requirements for both kinds of watercrafts

DEFINITIONS/SAFETY STANDARDS

Directive 2013/53/EU

Requirements include:

- CE marking, indicating that a product complies with the relevant EU legislation
- an identification number for each watercraft and a requirement to carry the craft's builder's plate
- the need for craft to be designed to minimise the risk of falling overboard and to allow for easy reboarding
- good all-round visibility for the operator, under normal conditions
- a written manual to accompany all craft to ensure their safe use
- sufficient structure, stability and buoyancy in accordance with its design category
- an emergency stopping device for all tiller-controlled outboard propulsion engines

DEFINITIONS/SAFETY STANDARDS

See also soft law

e.g. ISO 15085:2024

Small craft — Protection from falling overboard and means of reboarding

Published (Edition 2, 2024)

DEFINITIONS/SAFETY STANDARDS

Directive 2013/53/EU and ISO 15085:2024

They do not apply to:

- **canoes and kayaks designed to be propelled solely by human power, gondolas and pedalos**
- **surfboards designed solely to be propelled by wind and to be operated by a person or persons standing**
- **surfboards**





UNIFORM RULES: OTHER SAFETY STANDARDS

e.g.:

- **1972 CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA (COLREG)**

- **UNI ISO 21902 - Tourism and related services - Accessible tourism for all - Requirements and recommendations, First edition,2021-07-06 (soft law)**

« Whatever the infrastructure and means of transport, including privately hired vehicles, buses or coaches, taxis and similar means, trams, cableways (cable cars), trains, boats (e.g. ferries, cruise ships) and planes, they should be designed in such a way as to permit the safe, comfortable and equitable transportation of everyone, including persons with disabilities»







DEFINITIONS/SAFETY STANDARDS

generally, Boats are also workplaces →

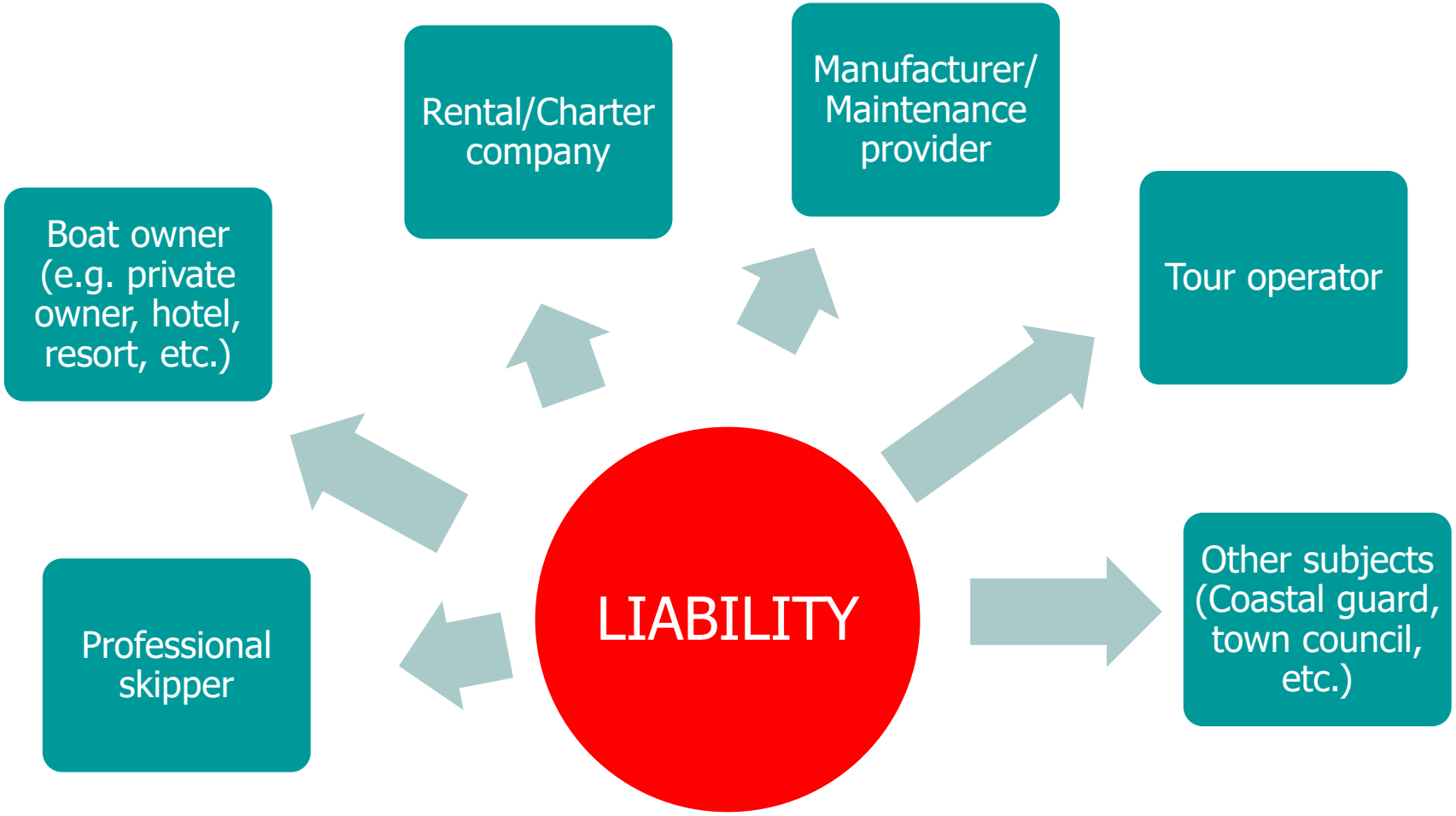
workplace safety standards are also a relevant reference

- **Occupational safety and health "Framework Directive" (Directive 89/391/EEC)**
  - **Workplace requirements (Directive 89/654/EEC)**
  - **Safety and/or health signs at work (Directive 92/58/EEC)**
  - **Risks related to chemical agents at work (Directive 98/24/EC)**
  - **Exposure to biological agents at work (Directive 2000/54/EC)**
  - **Risks from explosive atmospheres (Directive 1999/92/EC)**
  - **Medical treatment on board vessels (Directive 92/29/EEC)**

IMO Treaties

- **SOLAS: Ship construction, equipment, and emergency procedures**
  - **STCW: Training and certification for all crew members**
  - **COLREGS: Navigation rules and collision prevention**
  - **ISM Code: Safety management systems**

POTENTIAL DEFENDANTS: LIABILITY IN A BOATING OR LAKE ACCIDENTS



DAY CRUISE VESSELS





Transport by sea or inland waterways/lakes, for recreational purposes

- a duration of less than 24 hours
- departure and return on the same day
- no overnight stay on board
- any additional services, such as catering, music, sightseeing, swimming or snorkelling



It may fall under different classifications:

- a passenger transport contract
- a charter contract
- a mixed tourist or recreational service
- a package holiday

These classifications also apply to pleasure boats and personal watercrafts

LIABILITY: ATHENS CONVENTION?

cruise vessels

under Athens Convention +Regulation (EC) No 392/2009

not subject to Athens Convention +Regulation (EC) No 392/2009

DEFINITIONS AND LIABILITY: ATHENS CONVENTION?

Cruise vessels falling under Athens Convention 1974 liability regime

+ Regulation (EC) No 392/2009 of 23 April 2009 on the liability of carriers of passengers BY SEA in the event of accidents



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DEFINITIONS AND LIABILITY: ATHENS CONVENTION?

Cruise vessels falling under Athens Convention 1974 liability regime

Regulation (EC) No 392/2009 of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents

Article 2 Scope

This Regulation shall apply to any international carriage within the meaning of point 9 of Article 1 of the Athens Convention and to carriage by sea within a single Member State on board ships of Classes A and B under Article 4 of Directive 98/18/EC, where:

(a) the ship is flying the flag of or is registered in a Member State;

(b) the contract of carriage has been made in a Member State; or

(c) the place of departure or destination, according to the contract of carriage, is in a Member State.

Member States may apply this Regulation to all domestic sea-going voyages.

DEFINITIONS AND LIABILITY: ATHENS CONVENTION?

Cruise vessels falling under Athens Convention liability regime

Regulation (EC) No 392/2009 of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents

Directive 98/18/EC

Article 3

Scope

1. This Directive applies to:

(a) new passenger ships;

(b) existing passenger ships of 24 metres in length and above;

(c) high speed passenger craft,

regardless of their flag, when engaged on domestic voyages.

DEFINITIONS AND LIABILITY: ATHENS CONVENTION?

Cruise vessels falling under Athens Convention liability regime

Regulation (EC) No 392/2009 of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents

Directive 98/18/EC

'a passenger ship' means a ship which carries more than 12 passengers

Article 4

1. Passenger ships are divided into the following classes according to the sea area in which they operate:

'Class A' means a passenger ship engaged on domestic voyages other than voyages covered by Classes B, C and D.

'Class B' means a passenger ship engaged on domestic voyages in the course of which it is at no time more than 20 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.

DEFINITIONS AND LIABILITY: ATHENS CONVENTION?

Example of a daily-cruise vessels subject to Athens Convention

SPIRIT OF ATHOS
Passenger Ship, IMO 8647696

VesselFinder » Vessels » Miscellaneous » SPIRIT OF ATHOS

The current position of **SPIRIT OF ATHOS** is at Aegean Sea reported 33 days ago by AIS. The vessel **SPIRIT OF ATHOS** (IMO 8647696, MMSI 237087900) is a Passenger Ship built in 1996 (30 years old) and currently sailing under the flag of **Greece**.



Track on Map | Add Photo | Add to fleet

Destination
Destination not available
ETA: -

Predicted ETA	-
Remaining Distance	-
Distance Sailed	
Course / Speed	360° / 0.0 kn
Current draught	2.5 m
Navigation Status	-
Position Received	33 days ago
IMO / MMSI	8647696 / 237087900
Callsign	SW8861
AIS Type	Passenger ship
AIS Flag	Greece
Length / Beam	53 / 10 m

Last Port
Kastelli Kissamou, Greece
ATA: Sep 26, 06:44 UTC (46 days ago)

UNIFORM RULES: TOUR OPERATORS

LIABILITY OF TOUR OPERATORS

Directive (EU) 2015/2302 of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC

UNIFORM RULES: TOUR OPERATORS

LIABILITY OF TOUR OPERATORS

Directive (EU) 2015/2302 provides for the tour operator's liability regime mainly based on following rules:

Article 13, para. 1 (strict liability): the organiser is responsible for the performance of the travel services included in the package travel contract, irrespective of whether those services are to be performed by the organiser or by other travel service providers

Article 14, para. 3: the traveller shall not be entitled to compensation for damages if the organiser proves that the lack of conformity is:

(a) attributable to the traveller

(b) attributable to a third party unconnected with the provision of the travel services included in the package travel contract and is unforeseeable or unavoidable; or

(b) due to unavoidable and extraordinary circumstances

UNIFORM RULES: TOUR OPERATORS

LIABILITY OF TOUR OPERATORS

Under the Directive (EU) 2015/2302 the organiser would be responsible/liable for the services performed by any of the above potential defendants (owners, charterers, rental companies, skippers) providing services under the umbrella of the package travel arrangements

UNIFORM RULES: TOUR OPERATORS

LIABILITY OF TOUR OPERATORS

However, this directive (more precisely the relevant applicable national law implementing it) applies only if the cruise or the use or rental of the pleasure boat or personal watercraft is part of a proper "package travel contract": only the combination of different types of travel services, such as accommodation, carriage of passengers by bus, rail, water or air, as well as rental of motor vehicles or certain motorcycles, should be considered for the purposes of identifying a package or a linked travel arrangement.

This means that the directive liability regime may apply only if:

- **the cruise is combined with accommodation (if not part of the carriage) and/or other tourist services, or**
- **the use or the rental of the boat is a tourist service by its own right, or it is accessory to other services integrating a package travel contract**

UNIFORM RULES: TOUR OPERATORS

LIABILITY OF TOUR OPERATORS

Will the Directive (EU) 2026/1024 of 29 April 2026 amending Directive (EU) 2015/2302 «*to make the protection of travellers more effective and to simplify and clarify certain aspects of that Directive*» make any difference? (it shall be adopted by 29 September 2028 and shall apply from 29 March 2029)

- **not really!**
- **it removes the previous concept of "linked travel arrangements"**
- **the principle underlying the definition of 'package' should remain that there is a close link between different travel services booked for the purpose of the same trip or holiday**
- **travellers will receive clear information on whether a given combination of travel services constitutes a package or not: it shall be necessary, in booking situations where the conditions for a package are not met but traders invite travellers to purchase additional types of travel service for the same trip or holiday, to require traders to inform travellers that the relevant travel services will not constitute a package and that travellers will not be protected under Directive (EU) 2015/2302**

UNIFORM RULES: TOUR OPERATORS

DIRECTIVE (EU) 2015/2302 V. ATHENS CONVENTION 1974 (+ REGULATION (EC) NO 392/2009)?

Court of Justice of the European Union, Fifth Chamber, 4 June 2026, Case C-629/24, *MH v Costa Crociere SpA*, ECLI:EU:C:2026:451

Conclusion: Article 3(1) and the first paragraph of Article 7 of and Annex I to 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, and Article 5 of Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours must be interpreted as meaning that, where a cruise has the characteristics of a tourism package for the purpose of Article 2(1) of that directive, actions for damages relating to personal injury sustained by a passenger on board the cruise ship during carriage by sea, within the meaning of Article 2 of that regulation, are to be governed by the liability regime of the maritime carrier providing the cruise with that ship, as laid down in that regulation

UNIFORM RULES: TOUR OPERATORS

DIRECTIVE (EU) 2015/2302 V. ATHENS CONVENTION 1974 (+ REGULATION (EC) NO 392/2009)?

Court of Justice of the European Union, Fifth Chamber, 4 June 2026, Case C-629/24, MH v Costa Crociere SpA, ECLI:EU:C:2026:451

Key operating principle (point 65): the organiser may rely on the limits of compensation to the passenger provided for in Articles 3 and 7 of the Athens Convention, which are binding on the Member States pursuant to the combined application of Article 3 of Regulation No 392/2009 and the third subparagraph of Article 5(2) of Directive 90/314 and which, in the event of death or personal injury, go beyond the limits of the first subparagraph of Article 5(2) of that directive

(reckless conduct: no caps on awards for damages)

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LIABILITY IN A BOATING OR LAKE ACCIDENT

PRODUCT LIABILITY





UNIFORM RULES: MANUFACTURERS

Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products

new Product Liability Directive (Directive (EU) 2024/2853 of 23 October 2024): must be transposed by 9 December 2026 and replaces Directive 85/374/EEC. Manufacturers remain strictly liable (without fault) for damage caused by defective products. The new rules apply to products placed on the market or put into service after 9 December 2026

UNIFORM RULES: MANUFACTURERS

N.B.

Liability under Directive 85/374/EEC and Directive (EU) 2024/2853 is not subject to the limitations on compensation like the ones provided by Athens Convention



UNIFORM RULES: MANUFACTURERS
... and ...

Whenever the accident or the injury or the extent of the injury is attributable to a defect of the boat, besides producers' liability one may also consider the (unlimited) liability of Registered organizations (RO), classification societies, certification companies, surveyors, etc.



LIABILITY IN A BOATING OR LAKE ACCIDENT



SKIPPER/CAPTAIN

European Union legislation does not contain general, uniform rules governing the liability of the ‘skipper’, whether professional or not, of a pleasure boat in the event of collisions, personal injury or damage to property. The skipper’s personal liability is primarily governed by the applicable national law

LIABILITY IN A BOATING OR LAKE ACCIDENT



OWNERS, CHARTERERS, RENTAL COMPANIES

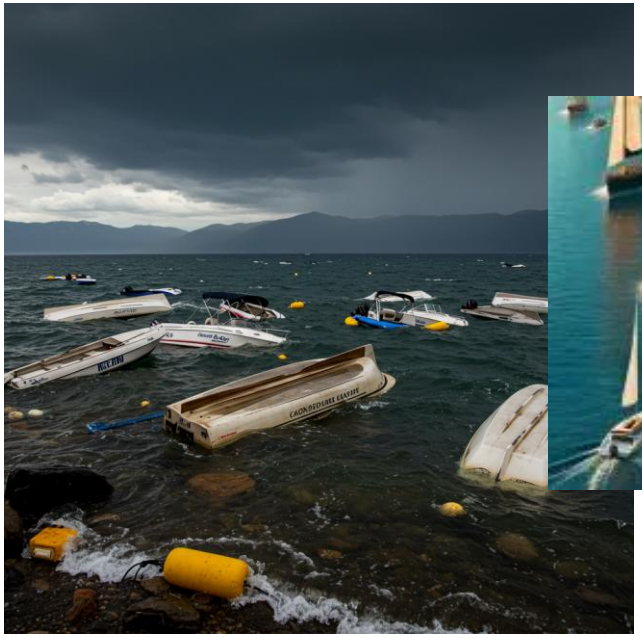
There is not any general uniform liability regime in European Union legislation that applies to boat owners and rental/charter companies, with the sole exception of the cases falling under the scope of Athens Convention + Regulation (EC) No 392/2009.

Liability for navigation and for accidents therefore remains, as a general rule, governed by the applicable national law

OTHER POTENTIAL DEFENDANTS

Example: failure to issue alerts and tragedy at a lake caused by a storm; excessive and unregulated boat traffic on a lake giving rise to a collision

Coastal guard? Town council? Other authorities?









INSURANCES SCENARIOS

- **Liability insurance?**
- **Accident insurance?**
- **Life insurance?**



LIABILITY INSURANCES



NO uniform rules on compulsory insurance on pleasure boats in Europe

- There is not any set of rules like, for example, the one provided by Directive 2009/103/EC of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability
- In Europe only Italy, Spain, Croatia, Greece, Denmark and Switzerland provide for compulsory pleasure boat insurance. For example, Italian law applies the same rules operating for mandatory insurance against civil liability in respect of the use of motor vehicles

LIABILITY INSURANCES



Exception: Athens Convention + Regulation (EC) No 392/2009

Article 4*bis*

Compulsory insurance

1. When passengers are carried on board a ship registered in a State Party that is licensed to carry more than twelve passengers, and this Convention applies, any carrier who actually performs the whole or a part of the carriage shall maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover liability under this Convention in respect of the death of and personal injury to passengers. The limit of the compulsory insurance or other financial security shall not be less than 250 000 units of account per passenger on each distinct occasion.

10. Any claim for compensation covered by insurance or other financial security pursuant to this Article may be brought directly against the insurer or other person providing financial security *(direct right of action)*

CONCLUSIONS



- **lack of uniform rules on liability and insurances**
- **uncertainty across Europe!**
- **under-protection of victims**

lawyers' strategies are fundamental!!!!!!!!!!!!!! (do not rely on AI!!!!!)



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THANK YOU FOR YOUR ATTENTION!