

## Passenger Baggage Damage from an Insurance Perspective

Maritime transport has become a significant option for millions of people traveling safely and comfortably each year, both internationally and locally. However, the risk of encountering disputes such as damage or loss of passengers' luggage during the carriage is an undeniable part of the same. Passenger rights and the obligations of carriers are continuously developed through regulations at both national and international levels.



Particularly in resolving legal disputes that may arise from sea voyages, the Athens Convention (Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea 1974 and 2002 Protocol) and the London Convention (Convention on Limitation of Liability for Maritime Claims - LLMC 1976) for delayed delivery claims are among the most important international regulations in this field.

Turkey, by being a party to these international conventions and integrating them into our domestic legislation, has established liability limits for carriers and thus provided assurance to carriers engaged in passenger transport at sea.

In this circular, we will evaluate how passenger baggage claims should be assessed under the liability of the carrier, general liability insurance policy terms for marine vessels, and the legal provisions stipulated in the Turkish Commercial Code No. 6102 ("TCC"), focusing on the key elements that must be considered in the assessment processes under several headings:

### 1. Carrier's Liability in Cases of Damage and Loss of Valuable Items:

Article 1260 of the Turkish Commercial Code regulates the carrier's liability regarding valuable items belonging to passengers. According to this article, the carrier will not be liable for damage or loss of valuable items in the passenger's baggage—such as money, jewelry, gold, and silver—unless these items are entrusted to the carrier for safekeeping. If these items are lost or damaged, the passenger will not have the right to claim compensation from the carrier.



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## 2. Compensation Limitations:

Article 1263 of the Turkish Commercial Code establishes the upper limit of the carrier's liability regarding the safety of items in passenger baggage. According to this article, in cases of loss or damage to cabin baggage, the carrier's liability is limited to 2,250 Special Drawing Rights (SDR) per passenger for each carriage. However, the maximum limit may vary in cases of loss or damage outside the categories mentioned in the first and second paragraphs of this article, and a damage assessment must be made considering the baggage category. In this context, passenger baggage damage claims should generally not exceed the limits set by law. Informing and clarifying passengers about the limits established by the imperative provisions of the TCC during negotiations can help prevent disputes that may be brought to court.

## 3. Damage Assessment:

When damage occurs, carriers must follow specific procedures. Properly conducting these processes is crucial for both passenger satisfaction and the fulfillment of the carriers' legal responsibilities. The first step in cases of damage or loss is the collection of evidence for the investigation of the incident. Surveillance footage is significant evidence concerning baggage damage claims. Providing video records allows the parties to evaluate and interpret the incident clearly. Particularly, passengers providing information such as the brand, model, and purchase dates of the electronic items in their baggage will facilitate handling the claims made.

For baggage damage claims where the carrier's liability is undisputed, the best approach following the necessary inspections with the required documents is to resolve issues amicably to remedy the grievances. A good-faith search for a solution between the parties allows for a more efficient resolution of processes in terms of time and cost. A detailed notification made alongside the amounts requested by passengers and the supporting documents will assist in the amicable resolution of disputes for the insurance company and the insured.

## Conclusion

Claims for compensation regarding passenger baggage and the responsibilities of carriers are closely related to insurance policies and the legal framework. Damage and loss concerning passenger baggage in transport services are situations that must be handled meticulously from both legal and insurance perspectives. The responsibilities of the passenger and the carrier should be evaluated within the framework of policy conditions and legal regulations. Seeking a good-faith resolution between parties to eliminate uncertainties related to valuable items and compensation claims will benefit all parties involved.