

Rights of passengers when travelling by sea and inland waterway; coordination between national authorities

2008/0246(COD) - 04/12/2008 - Legislative proposal

PURPOSE: to establish the rights of domestic and international maritime passengers, including those who are disabled or persons with reduced mobility, and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: over the last thirty years, there has been a boom in mobility in Europe. This phenomenon is due to a number of factors, but above all to economic growth, the completion of the internal market, lower travel costs and progress towards a European “area without internal frontiers”. 398 million people passed through the ports of the EU in 2006. The importance of maritime passenger transport is also reflected in the number of operators involved. There are nearly 300 operators on the European ferry and RoRo markets, and Europe has approximately 800 passenger ports. Maritime passenger transport is evenly spread throughout Europe, with a similar number of routes carrying more than one million passengers per year in each of the three coastal zones of the European Union (Baltic Sea, North Sea, and Mediterranean Sea).

The purpose of this proposal is to establish the rights of domestic and international maritime passengers, including those who are disabled or persons with reduced mobility, in order to improve the attractiveness of and confidence in maritime transport, as well as to achieve a level playing field for carriers from different Member States and for other modes of transport.

Essentially, the proposal lays down provisions on the following:

- accessibility, non-discrimination and assistance to disabled persons and persons with reduced mobility;
- obligations for carriers when travel is interrupted in the event of cancellation or delay;
- obligation to inform passengers travelling by sea and inland waterways of their rights;
- handling of complaints;
- general rules of enforcement.

Rights of persons with reduced mobility: disabled passengers and passengers with reduced mobility are often prevented from travelling by bus and ship due to lack of accessibility of these services and the inexistence of necessary assistance for their needs. The proposals address these problems by forbidding any discrimination on grounds of disability or reduced mobility with regard to booking a journey or boarding a vehicle or ship. Assistance is provided free of charge on condition that the passenger has notified a need for it in advance and arrives at the terminal or port at a predetermined time prior to the scheduled departure. Personnel of companies and staff of bus terminals or ports should have appropriate knowledge with regard to provision of assistance to disabled persons.

Compensation and assistance to passengers when their journey is interrupted: in case of interrupted or cancelled journeys, companies are obliged to provide passengers with adequate information, proper assistance and reasonable alternative services. Companies failing to meet these requirements ought to pay a compensation calculated on the basis of the ticket price.

Liability for death and injury of passengers: the proposals set out the rules on companies' liability for passengers and their luggage. Passengers will be entitled to uniform compensation levels and will benefit from harmonised rules on liability. Moreover, under certain conditions companies may not contest damages up to a certain amount in case of an accident. Passengers suffering an accident are entitled to advance payments in order to address economic difficulties that they or their families may face as a consequence of death or injury.

Treatment of complaints and means of redress: the opening of the market has not raised quality standards and services as was expected, including better enforcement of passenger rights, user-friendly means of settling disputes and means of redress to be used by all companies. The lack of common procedures isolates passengers, having to cope with different procedures and deadlines.

EU countries will have to set up enforcement bodies responsible for ensuring the implementation of these regulations on their territory. If a bus or ship passenger considers that any of these rights have not been respected, he can bring the matter to the attention of the company. If he is not satisfied with the response, a complaint can be made to the national enforcement body designated by the country concerned.

Exclusion of waiver: obligations pursuant to the regulation may not be limited or waived, inter alia by a derogation or restrictive clause in the contract of carriage.

However, carriers may offer contract conditions that are more favourable for the passenger than the conditions laid down in the proposals.