

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

2008/0246(COD) - 23/04/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 587 votes to 8, with 19 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

The main amendments were as follows:

Aim: Parliament clarified that the Regulation shall apply to the commercial transport of passengers travelling by sea and inland waterway by passenger ship.

Scope: Member States shall be authorised to exclude urban and suburban transport services from the scope of this Regulation if they give assurances that the aims of this Regulation can be achieved by means of regulatory measures and guarantee a level of passenger rights comparable to that required by this Regulation.

Definitions: Members amended some of the definitions and added some, notably for “passenger”, “ticket price” and “force majeure”.

Derogations and special conditions: Members want to make it clear that carriage may not be refused on the grounds of a person's disability, but only on the grounds that the vessel's physical characteristics are potentially incompatible with the carriage of disabled passengers or passengers with reduced mobility. For persons with restricted mobility and passengers in general, a number of new provisions are proposed to ensure that their rights cannot be denied on grounds worded more precisely than in the Commission's proposal. For example, the circumstances in which a disabled person may be refused permission to board a vessel are specified more clearly. Parliament felt also that safety considerations ought not to be valid grounds for refusing carriage in the case of maritime transport services, where the structure of the vessel is the most important criterion.

Accessibility and information: carriers, their ticket vendors or tour operators shall ensure that all relevant information concerning the conditions of carriage, journey information, information on accessibility of services and written confirmation of the provision of assistance is available in accessible formats for disabled persons and persons with reduced mobility including online booking and information.

Right to assistance at ports: Parliament deleted the provision obliging carriers to separate the accounts of their activities relating to the assistance provided to disabled persons from the accounts of their other activities. It added that the managing body of a port shall be responsible, where necessary, for ensuring it is accessible to disabled persons and persons with reduced mobility.

Conditions under which assistance is provided: the carrier, the ticket vendor or the tour operator with which the ticket was purchased must be notified of the person's need for such assistance when the reservation is made or at least 48 hours before the assistance is needed, unless a shorter notification period is agreed between the assistance provider and the passenger, with the exception of cruise journeys, where

the need for assistance should be notified at the time of reservation. The passenger shall **receive a confirmation**, stating that the assistance needs have been notified.

In the case of cruises, disabled passengers must be present at a time stipulated by the carrier, which shall not be more than 60 minutes before the check-in time.

Quality standards: carriers shall publish their quality standards in accessible formats.

Compensation in respect of wheelchairs and mobility equipment: Parliament emphasised that replacement equipment must be suitable to the needs of the passenger concerned.

Assistance: in the case of a delay with a stay of one or more nights, the additional accommodation and transport costs borne by the carrier may not exceed twice the price of the ticket.

Compensation of the ticket price: Members add that if the carrier has announced the cancellation or postponement of the crossing or an increase in the crossing time three or more days before the scheduled departure, there shall be no entitlement to compensation. With regard to the obligations of carriers in the event of interrupted travel, Members state that these shall not apply in cases of force majeure hindering the performance of the transport service. **Further claims:** compensation awarded under the Regulation may be deducted from any additional compensation granted.

National enforcement bodies: these bodies must be independent of commercial interests, not just carriers. Parliament proposes that no more than one such organisation should be designated by each Member State .