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

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The Committee on Transport and Tourism adopted the report drawn up by Inés AYALA SENDER (S&D, ES) on the Council position at first reading for adopting 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)N°2006/2004.

It recommended that the European Parliament's position at second reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Council position as follows:

Scope: the Regulation shall apply in respect of passengers travelling on a cruise where the port of disembarkation as well as embarkation is situated in the territory of a Member State. Members state that this amendment aims to avoid situations in which companies may seek to establish a point of departure or arrival outside the EU to avoid complying with the provisions of this Regulation.

The committee reinstated Parliament's first reading amendment whereby the Regulation does not apply to ships certified to carry up to 12 passengers, rather than 36 as proposed by the Council.

It deleted the derogation for sea going ships of less than 300 gross tons operated in domestic transport. Members indicate that This derogation is excessive and would represent a significant limitation of the scope of application. It also seems unnecessary as the rights of passengers would have to be ensured adequately under national law.

Members deleted the clause in the Council's text which states that nothing in the Regulation shall be understood as constituting technical requirements imposing obligations on carriers, terminal operators or other entities to modify or replace ships, infrastructure, equipment in ports, and port terminals.

Definitions: the committee clarified definitions for "carrier", "port terminal", "travel agent", and "tour operator". It also re-inserted Parliament's first reading definitions for "cancellation", "accessible formats", and "ticket price"

Exclusion of waiver: the report adds that carriers may offer contractual conditions that are more favourable for the passenger than the conditions laid down in this Regulation.

Rights to transport of disabled persons: Members clarified that a passenger is not refused travel on the grounds of their disability or reduced mobility but on grounds of safety and this should be clear in the text. Health concerns, for instance with regard to epidemics, affect all passengers and should not be a reason for refusing disabled passengers or those with reduced mobility.

Exceptions and special conditions: a passenger should have the right to receive written confirmation of the reasons for refusal within five working days.

Accessibility and information: port authorities as well as carriers, and terminal operators shall establish non-discriminatory access conditions for the transport of disabled persons and persons with reduced

mobility and accompanying persons. The access conditions shall be notified to national enforcement bodies. These access conditions must be made publicly available physically or on the Internet in accessible formats.

Right to assistance in ports and on board ships: the assistance shall be adapted to the individual needs of the person with a disability or reduced mobility.

Conditions under which assistance is provided: assistance must be provided where the carrier or the terminal operator is notified of the person's need for such assistance at the latest 48 hours (rather than 2 working days) before the assistance is needed, unless a shorter period is agreed between the passenger and the carrier.

It must also be provided where the disabled persons presents himself if no embarkation time is stipulated, no later than30 minutes (rather than 60 minutes) before the published departure time, and, in the case of cruises, at a time stipulated by the carrier, which shall not be more than 60 minutes before the check-in time. In relation to cruise ships, disabled persons or persons with reduced mobility shall notify the carrier of their specific needs at the time of reservation or advance purchase.

The passenger shall receive a confirmation stating that the assistance needs have been notified as required.

Quality standards for assistance: the Council had set these requirements for terminal operators and carriers operating port terminals or passenger services with a total of more than 100 000 commercial passenger movements during the previous calendar year. The committee deleted this limit and restored Parliament's first reading position. It agrees with Council that terminal operators should also set quality standards.

Members add that in setting quality standards, full account shall be taken of internationally recognised policies and codes of conduct concerning facilitation of the transport of disabled persons or persons with reduced mobility, notably the International Maritime Organisation's Recommendation of the Design and Operation of passenger ships to respond to elderly and disabled persons' needs.

Assistance in case of cancelled or delayed departures: Members shortened the time periods constituting a delay before compensation is payable. Accommodation costs to be provided will be EUR 120 per night, rather than EUR 120. Re-routing must be offered at no additional cost.

Re-routing and reimbursement in case of cancelled or delayed departures: if the passenger agrees, the full reimbursement may also be paid in the form of vouchers and/or other services in an amount equivalent to the price for which the ticket was purchased, provided the conditions are flexible, particularly regarding the period of validity and the destination.

Compensation of the ticket price in case of delay in arrival: the minimum level of compensation shall be 50% (rather than 25 %) of the ticket price.

If the delay exceeds double the time set out in the text the compensation shall be 75% (rather than 50 %) of the ticket price.

Compensation shall be 100% of the ticket price if the carrier fails to provide alternative services or the information required by the Regulation.

Carriers may introduce a minimum threshold under which payments for compensation will not be paid. This threshold shall not exceed EUR 4 (rather than EUR 10.)

Exemptions: carriers should bear the burden of proving that the cancellation or delay was caused by such weather conditions or extraordinary circumstances.

Right to travel information: this information shall be provided according to a common conceptual model for public transport data and systems

Complaints: the body or bodies designated for the enforcement of this Regulation should be independent and should have the power and capability to investigate individual complaints and to facilitate dispute settlement. The reports prepared by these bodies should include statistics on complaints and their outcome.

In addition, terminal operators should also have a complaint handling mechanism. Passengers should be able to reasonably expect a reply within two, rather than three, months.

If no reply is received within the time limits set out, the complaint shall be deemed to have been accepted.