

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

2008/0246(COD) - 24/11/2010 - Final act

PURPOSE: to establish the rights of domestic and international maritime passengers, including those who are disabled or persons with reduced mobility;

LEGISLATIVE ACT: Regulation (EU) No 1177/2010 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.

CONTENT: following a first-reading agreement reached with the European Parliament, the Council adopted this Regulation establishing rules for sea and inland waterway transport as regards the following:

- non-discrimination between passengers with regard to transport conditions offered by carriers;
- non-discrimination and assistance for disabled persons and persons with reduced mobility;
- the rights of passengers in cases of cancellation or delay;
- minimum information to be provided to passengers;
- the handling of complaints;
- general rules on enforcement.

Scope: the regulation applies to **ships carrying more than 12 passengers and with a crew of more than three persons**. Passenger services over a very short distance (less than 500 metres one way) are excluded from the scope of the regulation, as are historical ships and excursion and sightseeing tours other than cruises. In addition, Member States may, for a period of 2 years from 18 December 2012, exempt from the application of this Regulation seagoing ships of less than 300 gross tons operated in domestic transport, provided that the rights of passengers under this Regulation are adequately ensured under national law.

Rights of disabled persons and persons with reduced mobility: carriers, travel agents and tour operators shall not refuse to accept a reservation, to issue or otherwise provide a ticket or to embark persons on the grounds of disability or of reduced mobility as such. Reservations and tickets shall be offered to disabled persons and persons with reduced mobility at no additional cost under the same conditions that apply to all other passengers.

By way of derogation, carriers, travel agents and tour operators may refuse to accept a reservation from, to issue or otherwise provide a ticket to or to embark a disabled person or person with reduced mobility: (a) in order to meet applicable safety requirements established by international, Union or national law or in order to meet safety requirements established by the competent authorities; (b) where the design of the passenger ship or port infrastructure and equipment, including port terminals, makes it impossible to carry out the embarkation, disembarkation or carriage of the said person in a safe or operationally feasible manner.

In the event of a refusal to accept a reservation or to issue or otherwise provide a ticket on the grounds referred to above, carriers, travel agents and tour operators shall make all reasonable efforts to propose to the person concerned an acceptable alternative transport on a passenger service or a cruise operated by the carrier.

Where strictly necessary, carriers, travel agents and tour operators may require that a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance required by the disabled person or person with reduced mobility.

When carriers, travel agents and tour operators have recourse to these measures, they shall **immediately inform the disabled person or person with reduced mobility of the specific reasons therefor.**

Compensation and assistance:the Regulation stipulates that ship passengers will benefit from enhanced rights to compensation and assistance when their journey is cancelled or delayed. Passengers with disabilities or reduced mobility will be protected against discrimination when booking a journey and will receive appropriate assistance at embarkation and disembarkation as well as on board.

In the event of **cancellation or delays**, passengers have to be informed **no later than 30 minutes after the scheduled time of departure**. They have a right to assistance and to rerouting or reimbursement when departure is delayed for more than 90 minutes; in this case, the carrier has to provide snacks, meals or refreshments and, where necessary, accommodation up to a cost of EUR 80 per night for a maximum of three nights. Depending on the scheduled duration of the journey, compensation amounting to a quarter or half of the ticket price may also be due in the event of delayed arrival.

However, the right to accommodation does not apply if the delay or cancellation is caused by bad weather; likewise, no compensation for late arrival will be paid if weather conditions or extraordinary circumstances hindered the performance of the service.

Passengers with disabilities or reduced mobility will be given assistance providing they inform the carrier **at the latest 48 hours in advance** about the assistance needed. If no embarkation time is stipulated, no later than 60 minutes before the published departure time, unless a shorter period is agreed between the passenger and the carrier or terminal operator. Persons needing assistance shall receive confirmation of such assistance by any means available, including electronic means or Short Message Service (SMS). If the disabled passenger needs to be accompanied, the accompanying person will be carried free of charge. **Loss of or damage to mobility equipment caused by the carrier or by a shipping incident will be compensated.**

Complaints: carriers and terminal operators shall set up or have in place an accessible complaint-handling mechanism for rights and obligations covered by this Regulation. The time taken to provide the final reply shall **not be longer than 2 months** from the receipt of a complaint.

Report: the Commission shall report to the European Parliament and to the Council by 19 December 2015 on the operation and the effects of this Regulation. The report shall be accompanied where necessary by legislative proposals implementing in further detail the provisions of this Regulation, or amending it.

ENTRY INTO FORCE: 06/01/2011.

APPLICATION: from 18/12/2012.