

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

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The Commission presents a report on the application of Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004.

The Regulation aims to ensure the basic protection of passengers who travel by sea and inland waterway using passenger services or cruises, became applicable on 18 December 2012.

The report is based partly on quantitative and qualitative input from national authorities' reports on the enforcement of the Regulation **in 2013-2014** and consultation of stakeholders representing passengers and the industry at European level.

To recall, the Regulation requires Member States to designate national enforcement bodies (NEBs) to enforce it and to lay down effective, proportionate and dissuasive penalties in their national law to sanction operators that breach it. Passengers may submit complaints about alleged infringements of the Regulation to the carrier, the port terminal operator or directly to the NEB.

Assessment of the operation of the Regulation: the Commission **has not detected any deliberate, severe or systematic non-compliance with the Regulation**. Most individual complaints of which it is aware relate to the lack of compensation or proper assistance in the event of delay or cancellation. From the NEB reports, it seems that **many such complaints fall outside the scope of the Regulation** or are unfounded.

Despite the overall positive picture, the Commission identified the following obstacles to more efficient application of the Regulation:

- passengers and operators **are not sufficiently aware of their rights** and obligations;
- enforcement is **lagging behind in some Member States**: at the end of 2015, Belgium, Greece, Spain and Luxembourg still did not have fully operational NEBs or comprehensive systems of penalties for non-compliance with the Regulation;
- some provisions in the Regulation have been **interpreted differently** by NEBs and operators.

The Commission took measures to address the issues identified:

- in June 2013, it launched a two-year information campaign on passenger rights for all modes of transport, including waterborne;
- it launched infringement proceedings against all Member States that failed to take the necessary measures to apply the Regulation;
- it provided clarification on the practical application of several provisions in the Regulation, thus contributing to its uniform application throughout the EU.

Conclusions and next steps: the Commission considers that overall implementation of the Regulation is **satisfactory**, and that the latter appears to be sufficiently flexible to accommodate improvement **without the need for amendments at this stage**. This is also the stakeholders' view, although they feel that work

remains to be done by operators and NEBs and that other measures should be taken to ensure the rights of persons with disability and reduced mobility.

In order to overcome the remaining obstacles that passengers face in enjoying their rights or having them enforced, the Commission:

- will launch its **third (two-year) passenger rights information campaign** in 2016, focusing on social media. It invites NEBs, the industry, passenger rights organisation and other stakeholders to join its efforts or to launch similar activities at their level;
- will continue the ongoing **infringement procedures** against the Member States concerned until they have operational NEBs and penalty systems in place that allow them to penalise any breach of the Regulation;
- invites NEBs to: (i) carry out **visits on board ships and in terminals**, inter alia to verify how the Regulation is applied in practice and to educate operators about their obligations under the Regulation; (ii) **check carriers' homepages** to ensure inter alia that they contain information on passenger rights and that general contract terms are in line with the Regulation;
- encourages those Member States that currently do not offer an **alternative dispute resolution mechanism** for passenger rights to put such a mechanism in place in accordance with [Directive 2013/11/EU](#);
- will continue to organise regular meetings with NEBs and stakeholders' representatives to reach a **common understanding** on the interpretation and implementation of the Regulation;
- will, if the need arises, **publish general interpretative guidelines** in order to provide more clarity and/or good practice documents on specific issues (e.g. how to respond better to the specific needs of persons with disability or reduced mobility).