

Summary of the provisions concerning the rights of passengers when travelling by sea and inland waterway¹

Regulation (EU) no. 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway applies from 18 December 2012.

It contains provisions on a minimum of rights for passengers travelling:

- on passenger services where the port of embarkation is situated in the territory of a Member State;
- on passenger services operated by an EU carrier from a port in a third country to a port in the territory of a Member State;
- on a cruise where the port of embarkation is situated in the territory of a Member State.²

However, some kinds of voyages by sea³ are not covered by the regulation.

Regulation no. 1177/2010 does not preclude passengers from claiming compensation at national courts in accordance with national law for individual losses that have arisen as a consequence of cancelled or delayed transportation.

Right to information

All passengers travelling by sea or inland waterway are entitled to adequate information throughout their travel. This includes the right to information about passenger rights and contact details of the national enforcement authorities as well as the conditions of access to transport for persons with disabilities and reduced mobility.

In case of cancelled or delayed departure, passengers are entitled to be informed by the carrier or the terminal operator about the delay or cancellation no later than 30 minutes after the planned time of departure as well as about the planned time of departure and arrival as soon as this information is available.

Right to non-discriminatory contract conditions

All passengers are entitled to not be discriminated, neither directly nor indirectly on the basis of their nationality or the place of establishment of carriers or ticket vendors in the EU, when buying tickets for sea voyages and cruises.

¹ The summary has been drawn up in accordance with article 32(2) of regulation (EU) no. 1177/2010. This summary is not legally binding.

² Cruise ship passengers are not entitled to re-routing and reimbursement in the event of cancelled or delayed departure, and they are not entitled to compensation of the ticket price in the event of delay in arrival.

³ Ships that are certified to carry up to 12 passengers, ships whose crew with responsibility for the ship's operation consists of a maximum of three persons, the carriage of persons where the overall route in one direction is less than 500 metres, outings and sightseeing that are not cruises and ships not operated by mechanical means as well as original and individual copies of historic passenger ships from before 1965 that are primarily constructed from original materials and certified to carry up to 36 passengers are not included.

Furthermore, Member States may decide not to apply the regulation to ships engaged on domestic voyages of less than 300 gross tonnage until 17 December 2014, and for an unlimited period to the carriage of passengers covered by the obligation for public service, public service contracts or integrated services if the rights of passengers are secured to a sufficient extent in accordance with national law.

Right to care and assistance

In case of delays for more than 90 minutes or cancellation of sea voyages or cruises, the passengers should – where this is reasonably possible – be offered free snacks, food or refreshments in reasonable relation to the waiting time.

In the case of a cancellation or a delay in departure where a stay of one or more nights becomes necessary, the carrier must offer the passenger adequate accommodation free of charge, either on board or ashore, as well as transport to and from the port terminal and the place of accommodation.

If the carrier can prove that the delay or cancellation is caused by weather conditions that jeopardise safe navigation, the carrier is not obliged to offer free accommodation.

The carrier is not obliged to offer assistance if the passenger is informed about the cancellation or the delay before buying the ticket or if the cancellation or delay is caused by a fault by the passenger.

Right to re-routing and reimbursement in case of cancelled or delayed departure

In case of delays of more than 90 minutes from the time of departure or cancellation of passenger carriage, the passenger is entitled to choose between:

- re-routing at no additional cost to the final destination as soon as possible and under comparable conditions; and
- reimbursement of the ticket price and, where relevant, a return voyage free of charge to the first point of departure as set out in the transport contract, at the earliest opportunity.

Right to claim partial reimbursement of the ticket price in the event of delay in arrival at the destination

Passengers may request compensation of 25 per cent of the ticket price from the carrier if the arrival at the destination is delayed by more than

- one hour in the case of a scheduled journey of up to four hours;
- two hours in the case of a scheduled journey of more than four hours, but not exceeding eight hours;
- three hours in the case of a scheduled journey of more than eight hours, but not exceeding 24 hours; or
- six hours in the case of a scheduled journey of more than 24 hours.

Passengers may request compensation of 50 per cent of the ticket price from the carrier if the arrival at the destination is delayed by more than

- two hours in the case of a scheduled journey of up to four hours;
- four hours in the case of a scheduled journey of more than four hours, but not exceeding eight hours;
- six hours in the case of a scheduled journey of more than eight hours, but not exceeding 24 hours; or
- 12 hours in the case of a scheduled journey of more than 24 hours.

However, the carrier is not obliged to pay compensation to the passengers in case of delayed arrival if it can be proved that the delay was caused by weather conditions that jeopardised safe navigation and that could not reasonably have been avoided.

Rights of disabled persons and persons with reduced mobility: In addition to the basic passenger rights, disabled persons and persons with reduced mobility have the following rights when they travel by sea so that they can travel under the same conditions that apply to other passengers:

a) Disabled persons and persons with reduced mobility have the right to transport without any kind of discrimination

Carriers, travel agents and tour operators must not refuse to accept a reservation, to issue a ticket or to embark persons on the grounds of disability or of reduced mobility.

If it is not possible to bring a disabled person or a person with reduced mobility on board a ship for safety reasons or if embarkation is impossible due to the design of the ship, the equipment or the port infrastructure, carriers, travel agents and tour operators must make reasonable efforts to offer the person affected an acceptable, alternative mode of transport. Disabled persons or persons with reduced mobility who have made reservations and who have informed the carrier about their special needs, but are nevertheless refused to embark can choose to have the journey either reimbursed or re-routed. However, the latter possibility is conditional upon the safety requirements being met.

Carriers, travel agents or tour operators must not require a higher price for reservations made by or tickets bought by disabled persons or persons with reduced mobility. Disabled persons and persons with reduced mobility must be offered tickets and reservations on the same conditions as other passengers.

Carriers and terminal operators must have in place non-discriminatory access conditions for disabled persons, persons with reduced mobility and accompanying persons.

b) Right to special assistance

Disabled persons and persons with reduced mobility have the right to free assistance offered by carriers and terminal operators in ports and on board ships, including when the passenger embarks and disembarks.

Disabled persons and persons with reduced mobility must, at the time of reservation or advance purchase of tickets, inform the carrier about their special needs with regard to accommodation, seating, any services required or any need to bring medical equipment. In case of need for any other assistance, disabled persons and persons with reduced mobility must inform the carrier or the terminal operator at least 48 hours in advance, and they must turn up at an agreed time prior to the published time of embarkation in a specified place.

c) Right to compensation for loss of or damage to mobility equipment

In cases where a carrier or a terminal operator has, due to fault or neglect, caused the loss of or damage to mobility equipment or other specific equipment used by a disabled person or a person with reduced mobility, the carrier or the operator must pay compensation to the person corresponding to the replacement value of the equipment or, where applicable, to the costs relating to repairs.

Right to make a complaint to carriers and national enforcement bodies

Passengers can make a complaint to carriers and terminal operators within two months after the date when the travel service was performed or should have been performed.

The carrier or the terminal operator must arrange for a complaint consideration system. The carrier or the operator must, within this frame and within one month from the receipt of the complaint, inform the passenger whether the complaint is considered substantiated, whether it will be rejected or whether it is still being

considered. Within two months from the receipt of the complaint, the carrier or the terminal operator must provide the passenger with a final answer to the complaint.

Passengers can submit complaints about alleged violations of regulation (EU) no. 1177/2010 to the national enforcement bodies.

Enforcement of passenger rights

The designated national enforcement bodies are responsible for the enforcement of the rights and obligations in accordance with regulation (EU), no. 1177/2010, regarding passenger services and cruises from ports situated in the territory of the Member State and passenger services from a third country to these ports.

In cases where a Member State has decided to exempt the carriage of persons covered by public service contracts or integrated services from the scope of the regulation, the Member State must ensure that a similar enforcement scheme is available regarding passenger rights.