Passenger Rights when travelling by Sea and Inland Waterways

This summary document has been produced to assist passengers using passenger services (e.g. ferries) and cruises in understanding their rights in respect of cancelled or delayed services and assistance to persons with reduced mobility. It has been prepared using the summary document produced by the Offices of the European Parliament concerning maritime passenger rights and it provides a summary of EU Regulation No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway which came into effect on 18 December 2012.

Summary

1. What is covered
The Regulation provides for a minimum set of rights for passengers travelling:

- on passenger services (e.g. ferries) where the port of embarkation is situated within the European Union (EU),

- on passenger services (e.g. ferries) operated by Union carriers from a port situated outside the EU to one situated in the EU (Union carrier means a carrier established within the EU or offering passenger services to or from the EU)

- on a cruise where the port of embarkation is situated within the EU.

However there are some exceptions (see below)

Regulation (EU) No 1177/2010 does not preclude passengers taking civil action before the courts in respect of individual damages resulting from cancellation or delay of transport services.

2. Right to information
All passengers travelling by sea or inland waterways have the right to information about passenger rights and the contact details of the National Enforcement Bodies (NEB), and about, the access conditions to transport for disabled persons and persons with reduced mobility (PRM).

In the event of cancellation of service or delay in departure, passengers have the right to be informed of the delay or cancellation, by the carrier or terminal operator, no later than 30 minutes after the scheduled time of departure. Additionally, passengers have the right to be informed of the estimated departure and arrival time of the resumed service as soon as that information becomes available.

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3. Right to non-discriminatory contract conditions
All persons have the right not to be discriminated against, directly or indirectly, based on their nationality when purchasing tickets for ferry services and cruises.

4. Right to care and assistance
- Where there is or the carrier reasonably expects a delay of more than 90 minutes to a ferry service / cruise,
- or the ferry service / cruise is cancelled,

passengers must be offered, free of charge, snacks, meals or refreshments reasonable to the waiting time where reasonably possible.

Where the delay or cancellation necessitates one or more additional nights stay for the passenger, they shall be offered adequate accommodation free of charge and transport to and from the place of accommodation. This is subject to a maximum of 80 Euros (or equivalent) per person per night for a maximum of 3 nights. However this is not applicable where the cancellation or delay is caused by weather conditions endangering the safe operation of the ship.

The passenger is not entitled to assistance if informed of the cancellation or delay before the purchase of the ticket or where the cancellation or delay is caused by the fault of the passenger.

5. Right to re-routing and reimbursement in case of cancellation or delay of departure
Where there is or the carrier reasonably expects a delay of more than 90 minutes of the scheduled time of departure or cancellation of a ferry service, passengers have a right to choose between:

- re-routing to the final destination at no additional cost, at the earliest opportunity, under comparable conditions or,

- reimbursement of the ticket price together with a free of charge return service, at the earliest opportunity, to the first point of departure set out in the transport contract.

6. Right to request partial compensation of the ticket price in case of delay in arrival to the final destination
Passengers may request compensation of 25% of the ticket price from the ferry service, where the delay in arrival at the final destination exceeds:

- 1 hour in case of a scheduled journey of up to 4 hours;
- 2 hours in case of a scheduled journey of more than 4 hours, but not exceeding 8 hours;
- 3 hours in case of a scheduled journey of more than 8 hours, but not exceeding 24 hours; or
- 6 hours in case of a scheduled journey of more than 24 hours.
The compensation shall be 50% of the ticket price where the delay in arrival to the final destination exceeds double the above times.

However, compensation is not applicable if delay was a result of
- weather conditions endangering the safe operation of the ship
- extraordinary circumstances which could not have been reasonably avoided for example natural disasters or industrial action
- the passenger holds an open ticket (other than a season ticket)
- the passenger was told of the cancellation or delay before purchasing the ticket
- the passenger was responsible for the cancellation or delay

7. Rights of disabled passengers and passengers with reduced mobility
In addition to the general passenger rights (above), disabled persons and PRMs have the following rights when travelling by waterborne transport so as to provide them with a right to transport on an equal with other passengers:

7.a. Right of access to non-discriminatory transport for disabled persons and persons with reduced mobility
Carriers, travel agents and tour operators may not refuse to accept a reservation, provide a ticket or embark persons on the grounds of their disability or reduced mobility.
Where it is not possible to carry a disabled person or a PRM on board a ship due to
- safety reasons
- design of the ship, the port infrastructure or its equipment

carriers, travel agents and tour operators are to make all reasonable efforts to offer an acceptable alternative.
Disabled persons and PRMs who have made a reservation and notified the carrier of their specific needs but are still denied boarding, may choose between reimbursement or re-routing. However, re-routing is conditional on the fulfilment of safety requirements.
Carriers, travel agents or tour operators may not ask disabled persons or PRMs to pay a higher cost for reservations or tickets. Tickets and reservations must be offered to disabled persons or PRMs under the same conditions as to other passengers.
The carriers and terminal operators must have in place non-discriminatory access conditions for the transport of disabled persons, PRMs and accompanying persons.

7.b. Right to assistance
Disabled persons and PRMs have the right to assistance, free of charge, by carriers and terminal operators in ports and on board ships. This includes embarkation and disembarkation. Where the carrier, travel agent or tour operator determines that it is necessary that a disabled person or person with reduced mobility is accompanied on the ferry service then the accompanying person will be carried free of charge.
Disabled persons and PRMs should notify the carrier, travel agent or tour operator at the time of reservation of their specific needs, where the need is known, regarding accommodation, seating, required services or their need to bring medical equipment.

The obligation on carriers and terminal operators to provide assistance is conditional upon the passenger notifying their need for it at least 48 hours before arrival, and arriving in sufficient time.

A passenger may ask for assistance when arriving at the port without having provided at least 48 hours notice and the carrier or terminal operator must make all reasonable effort to provide assistance. However, any such assistance cannot be guaranteed.

7.c. Right to compensation for loss of or damage to mobility equipment
Where loss or damage to mobility equipment, or other equipment, used by a disabled person or a PRM has been caused due to neglect or fault of a carrier or terminal operator, the carrier or terminal operator shall pay compensation which corresponds to the replacement value of the equipment or to the costs relating to repairs.

8. Right to submit complaints to the carriers / operators and National Enforcement Bodies (NEBs)
Passengers should submit complaints in the first instance to the carrier or terminal operator within two months from the date on which the service was performed or should have been performed.

The carrier or terminal operator must have a complaint handling system in place. The passenger is to be notified within 1 month of receipt of the complaint whether the complaint is substantiated, rejected or still being considered. The carrier or terminal operator is to provide the passenger with a final reply within 2 months of receipt of the complaint.

Within the UK there are a number of voluntary Complaint Handling Bodies (CHB) that will consider complaints not resolved between the carrier or terminal operator and the complainant. The carrier or terminal operator will forward the unresolved complaint to the relevant CHB for consideration. The CHB role is to independently consider the complaint and determine if the complaint should be upheld or not. However, the CHB role is advisory only and voluntary in nature. If the CHB consider the complaint to be a serious breach of the Regulation it will be referred to the National Enforcement Body (NEB).

9. Enforcement of passenger rights by the NEBs
Within the UK the Maritime & Coastguard Agency (MCA) is the NEB in respect to maritime passenger rights under this regulation. The MCA will investigate complaints of a serious nature to establish if enforcement action is
necessary. The MCA is not an arbiter of complaints or amounts of compensation to be paid.

If the complaint is related to an incident that falls to the jurisdiction of another member state, the complaint will be forwarded to the relevant NEB.

The NEB can be contacted as follows:

Telephone: 02380 329 315 (voicemail)

E-mail: neb@mcka.gov.uk

Comprehensive guidance notes on the EU Regulation can be found on the www.gov.uk website at the following address –


The Merchant Shipping (Passenger Rights) Regulations 2013 statutory instrument 2013/425 applies.

Note: This document has been prepared with the permission of the Offices of the European Parliament using their summary document concerning maritime passenger rights available on the ec.europa.eu website.