

Rights of passengers when travelling by sea and inland waterway



AGENCIJA ZA OBALNI
LINIJSKI POMORSKI PROMET

NOTICE TO CARRIERS, PORT OPERATORS, PORT AUTHORITIES, TRAVEL AGENTS, TOUR OPERATORS AND PASSENGERS

Application of Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway

Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (hereinafter: Regulation) establishes rules for the rights of passengers when travelling by sea and inland waterway transport. It covers non-discrimination between passengers regarding transport conditions offered by carriers, non-discrimination and assistance for disabled persons and persons with reduced mobility, rights of passengers in case of cancellation or delay, minimum information to be provided to passengers, the handling of complaints and general rules on enforcement.

This Summary is drafted in accordance with Article 23(2) of Regulation (EU) No 1177/2010 and has no legal value.

This regulation applies to passengers travelling on passenger services * either departing from or arriving in a port within the European Union (EU), and on cruises where the port of embarkation is in the EU.

It provides for a minimum set of rights for passengers travelling:

- on passenger services* where the port of embarkation is situated in a Member State,
- on passenger services* operated by Union carriers from a port situated in a third country to a port situated in a Member State and
- on a cruise** where the port of embarkation is situated in a Member State

* Passenger service: a commercial passenger transport service by sea or inland waterways operated according to a published timetable

** Cruise passengers have no right to re-routing and reimbursement in case of cancelled or delayed departures and no right to compensation of the ticket price in case of delay in arrival

It does not apply to passengers travelling:

- on ships certified to carry up to 12 passengers;
- on ships which have a crew of less than three persons or where the distance of the service is less than 500 meters;
- on excursion and sightseeing tours;
- on ships not propelled by mechanical means and historical ships, certified to carry up to 36 passengers.

Rights of disabled persons and persons with reduced mobility

Carriers, travel agents and tour operators must not refuse to accept reservations, issue tickets or embark persons on the grounds of disability or of reduced mobility, and nor must tickets be offered at an additional cost. Reservations and tickets may, however, be refused to disabled persons or persons with reduced mobility in order to meet applicable safety requirements and where the design of the passenger ship or port infrastructure and equipment makes the safe embarkation, disembarkation or carriage of disabled persons impossible. In the case of such a refusal, carriers, travel agents and tour operators must make all reasonable efforts to find an alternative means of transport for the person concerned.

Rights in the event of interrupted travel

In the event of a cancellation or a delayed departure of a passenger service, passengers must be informed by the carrier of the situation as soon as possible and no later than 30 minutes after the scheduled time of departure. In this case, carriers must also inform passengers of the estimated departure time and estimated arrival time as soon as such information is available. Where the departure is cancelled or delayed for more than 90 minutes, passengers must be offered free of charge snacks, meals or refreshments in reasonable relation to the waiting time. Where an overnight stay is necessary, the carrier must offer, where possible, free of charge accommodation for the passengers. The carrier may limit the total cost of accommodation to EUR 80 per night per passenger, for a maximum of three nights.

When a departure is cancelled or delayed for more than 90 minutes, passengers must immediately be offered the choice between re-routing to the final destination at the earliest opportunity and at no additional cost or reimbursement of the ticket price and, where appropriate, a return service free of charge to the first point of departure.

Passengers may also request compensation, in addition to the transport, from the carrier in the event of a delay in arrival at the final destination. The minimum level of compensation is 25 % of the ticket price for a delay of at least:

- 1 hour in the case of a scheduled journey of up to 4 hours;
- 2 hours in the case of a scheduled journey of between 4 and 8 hours;
- 3 hours in the case of a scheduled journey of between 8 and 24 hours;
- 6 hours in the case of a scheduled journey of more than 24 hours.

If the delay exceeds double the time set out above, the compensation will increase to 50 % of the ticket price. The compensation will be paid, either in vouchers or in money at the request of the passenger, within 1 month of the request for compensation. This compensation must not be reduced by financial transaction costs such as fees, telephone costs or stamps.

Carriers are not required to provide passengers with an overnight stay and compensation where the cancellation or delay is caused by weather conditions endangering the safe operation of the ship.

Protection of passenger rights

Carriers and terminal operators must establish or have in place an accessible complaint-handling mechanism for the rights and obligations provided for in this regulation. A passenger must submit a complaint within 2 months from the date on which the transport service was undertaken or when the service should have been undertaken. Within 1 month of receiving the complaint, the carrier or terminal operator must notify the passenger that the complaint has been substantiated, rejected or is still being considered. The final response must be provided within 2 months of the receipt of the complaint.

In case the passenger is not satisfied with the carrier's final response, he can seek the protection of his rights at Coastal Liner Services Agency (CLSA, Agencija za obalni linijski pomorski promet) which is the National enforcement body (NEB) in the Republic of Croatia with the mandate to enforce the regulation Regulation (EU) No 1177/2010.

How to contact CLSA:

Agencija za obalni linijski pomorski promet, Ulica grada Antofagaste 6, 21000 Split
phone: 021/329-370
fax: 021/329-379
e-mail: info@agencija-zolpp.hr