

Maritime Passenger Rights

Information for passengers on their rights when travelling
by sea and inland waterway
(Regulation (EU) No. 1177/2010)

Department of Transport, Tourism and Sport

*PLEASE NOTE THIS DOCUMENT IS DESIGNED TO PROVIDE
GUIDANCE AND DOES NOT PURPORT TO BE A LEGAL
INTERPRETATION OF THE LAW.*

Maritime Passenger Rights Regulation

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 was published on 17 December 2010. The Regulation will become effective from 18 December 2012.

S.I. No. 394 of 2012 designated the National Transport Authority as the responsible national enforcement body for the purposes of the Regulation in Ireland.

The objective of the Regulation is to ensure a high level of protection for passengers using waterborne transport anywhere in the European Union (EU) by establishing certain rights and a minimum quality of service across the EU. The Regulation is similar to those in the aviation, rail and bus/coach sectors.

The rights include non-discrimination and assistance for disabled persons and persons with reduced mobility, provision of information to all passengers before and during their journey, assistance to all passengers in the event of delays and in certain circumstances compensation for delays and cancellation of journeys. Provision is also made for the handling of complaints and general rules on enforcement. The Regulation places certain obligations on carriers (ship operators), port or terminal operators, travel agents and tour operators.

Information on the rights of passengers under this Regulation shall be made publically available by carriers and port terminal operators within their respective areas of competence.

About this document

This document is for information purposes only, is not part of Regulation No. 1177/2010, and does not purport to be a legal interpretation of the Regulation. A full text of the Regulation is available at: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2010:334:SOM:EN:HTML>

Who does the Regulation apply to?

The Regulation applies to passengers travelling on

- Maritime passenger services where the port of embarkation is in a Member State of the EU (e.g. Ireland)
- Maritime passenger services where the port of embarkation is outside a Member State and disembarkation is in a Member State provided that the service is operated by a European Union carrier
- Cruises where the port of embarkation is in a Member State of the EU with exceptions on re-routing and reimbursement, and compensation for delay in arrival.
- A passenger ship which:
 - (i) is certified to carry more than 12 passengers;
 - (ii) has a crew responsible for the operation of the ship composed of 4 or more persons;
 - (iii) is not an historical passenger ship certified to carry up to 36 passengers.
- A maritime journey that is more than 500 metres one way and is not an excursion or sightseeing tour (other than cruises).

Who does the Regulation not apply to?

The Regulation does not apply to passengers travelling on

- Ships certified to carry 12 or less passengers
- Ships which have a crew responsible for the operation of the ship composed of 3 or less persons
- Passenger services where the distance of the overall passenger service is less than 500 metres one way
- Excursion and sightseeing tours other than cruises, or
- Ships not propelled by mechanical means as well as original and individual replicas of, historical passenger ships designed before 1965, built predominantly with the original materials, and certified to carry up to 36 passengers.

Rights of passengers in the event of cancelled or delayed departures

Information

In the event of a cancellation or delayed departure of a passenger service¹ or a cruise², passengers must be informed by the carrier³ (or where appropriate the terminal operator⁴) as soon as possible and in any event no later than 30 minutes after the scheduled time of departure, and of the estimated departure time and estimated arrival time as soon as that information is available. [Art. 16]

Assistance / Re-routing

Passengers have a right to assistance and to re-routing or reimbursement of the ticket price when a departure from a port terminal⁵ is cancelled or delayed for more than 90 minutes; in this case, the carrier must provide snacks, meals or refreshments provided they are available or can reasonably be supplied and, if necessary and physically possible, accommodation on board or ashore up to a cost of €80 per night for a maximum of three nights. [Art. 17]

Where a passenger service is cancelled or delayed for more than 90 minutes, the carrier must offer the passenger the choice between re-routing at no additional cost or reimbursement of the ticket price. [Art. 18]

Compensation

Depending on the scheduled duration of the journey and the delay experienced, compensation amounting to a quarter or half of the ticket price may also be due to the passenger from the carrier in the event of delayed arrival. [Art. 19]

¹ **Passenger Services** are defined as a commercial passenger service by sea or inland waterways operated according to a published timetable.

² **Cruise** is defined as a transport service by sea or inland waterway, operated exclusively for the purpose of pleasure or recreation, supplemented by accommodation and other facilities, exceeding two overnight stays on board.

³ **Carrier** is defined as a natural or legal person, other than a tour operator, travel agent or ticket vendor, offering transport by passenger services or cruises to the general public.

⁴ **Terminal Operator** is defined as a private or public body in the territory of a Member State responsible for the administration and management of a port terminal.

⁵ **Port terminal** is defined as a terminal, staffed by a carrier or a terminal operator, in a port with facilities, such as check-in, ticket counters and lounges, and staff for the embarkation or disembarkation of passengers travelling on passenger services or on a cruise.

Exemptions

The right to accommodation does not apply if the delay or cancellation is caused by weather conditions endangering the safe operation of the ship. [Art. 20]

The right to compensation for late arrival does not apply if weather conditions or extraordinary circumstances adversely affected the performance of the service. [Art. 20]

The right to assistance and / or compensation does not apply if the passenger is informed of the cancellation or delay before the purchase of the ticket or if the cancellation or delay is caused by the fault of the passenger. [Art. 20]

Rights of disabled persons and persons with reduced mobility

Requirement for notification

Passengers with disabilities or reduced mobility will be protected against discrimination when booking a journey and, providing they notify the carrier at the latest 48 hours in advance (unless a shorter period is agreed), they will, in so far as is possible, receive appropriate assistance at embarkation and disembarkation as well as on board. Carriers, terminal operators, travel agents⁶ or tour operators⁷ are required to put in place arrangements for the request and receipt of such notifications. [Arts. 11 and 12]

Right to transport and assistance

Carriers, travel agents and tour operators must not refuse to accept a reservation, to issue or otherwise provide a ticket or to embark persons on the grounds of disability / reduced mobility. [Art. 7]

Reservations and tickets must be offered to disabled passengers and passengers with reduced mobility at no additional cost under the same conditions that apply to all other passengers. [Art. 7]

When exemptions to the right to transport arise and a carrier, travel agent or tour operator refuses to accept a reservation or to issue a ticket, the carrier, travel agent or tour operator must make all reasonable efforts to propose to the passenger concerned an acceptable alternative transport. [Art. 8]

Subject to certain access conditions, carriers and terminal operators must provide assistance free of charge to disabled passengers and passengers with reduced mobility, in ports⁸, including embarkation and disembarkation, and on board ships. [Art. 10]

Where the carrier, travel agent or tour operator requires a disabled passenger or passenger with reduced mobility to be accompanied by a person capable of providing assistance to them, such accompanying person must be carried free of charge. [Art. 8]

⁶ **Travel agent** is defined as any retailer acting on behalf of a passenger or a tour operator for the conclusion of transport contracts.

⁴ **Tour operator** is defined as an organiser or retailer, other than a carrier, within the meaning of Article 2(2) and (3) of Directive 90/314/EEC [Directive on package travel, package holidays and package tours]

⁸ **Port** is defined as a place or a geographical area made up of such improvement works and facilities as to permit the reception of ships from which the passengers regularly embark or disembark.

Accessibility and Information

Carriers and port operators must provide passengers with information on their rights and the accessibility of their facilities. Information is to be made available in accessible formats⁹. [Art. 9]

Compensation in respect of mobility equipment or other specific equipment

Carriers and/or terminal operators will be liable for loss suffered as a result of the loss of or damage to mobility equipment or other specific equipment used by a disabled passenger or passenger with reduced mobility if the fault lies with them. [Art.15]

Exemptions

The right to transport for a disabled passenger or a passenger with reduced mobility will not apply

- where the design of the passenger ship or port infrastructure and equipment, (including port terminals) makes it impossible to carry out embarkation, disembarkation or carriage of a person in a safe or operationally achievable manner,
- where the carriage of a person would result in the carrier, travel agent or tour operator not being in a position to meet safety requirements established by international, EU or national law, e.g. the Safety of Life at Sea Convention (SOLAS). [Art. 8]

⁹ **Accessible formats** of information include Braille, audio, video, larger type and 'easy-to-read' formats, electronic screens or display boards, induction loop systems to accommodate hearing aid users, accessible website designs, etc. - see Chapter 4 of the Guidelines for Accessible Maritime Passenger Transport document for more information.

How to make a complaint

- 1) In Ireland, passengers should first contact their carrier or terminal operator:

All carriers and terminal operators are required to have an accessible complaint-handling mechanism for the rights and obligations of Regulation 1177/2010. [Art. 24]

A passenger must submit a complaint to the carrier or terminal operator within 2 months of the date on which the service was performed or when a service should have been performed. [Art. 24]

Within 1 month of receiving a complaint, the carrier or terminal operator must notify the passenger as to whether the complaint has been substantiated, rejected or is still being considered. A final reply must issue within 2 months of the date of receipt of the original complaint. [Art. 24]

- 2) If a passenger is dissatisfied with the reply received from the carrier or terminal operator and the complaint is not resolved, the passenger may appeal to the National Transport Authority, which is the designated enforcement body for Regulation 1177/2010 in Ireland.

Alleged infringements of the Regulation by tour operators or travel agents should be reported directly to the National Transport Authority.

www.nationaltransport.ie

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Questions and Answers

The following is a list of Questions and Answers to help you understand some of your key rights under this Regulation. A full copy of the Regulation is available at:

<http://eur-lex.europa.eu/JOhtml.do?uri=OJ:L:2010:334:SOM:EN:HTML>

Question **What types of ships / services are affected by Regulation No. 1177/2010?**

Answer The following types of ships / services are affected:

- Passenger ships (i.e. ships carrying more than 12 passengers) and carrying a crew of 4 or more except if the passenger service is less than 500 metres one way.
- Cruise ships. Please note that cruise ships must abide by the obligations of this Regulation except the obligations under:
 - Article 16(2) Information regarding alternative connection in the event of cancellation or delay
 - Article 18 Re-routing and reimbursement in the event of cancelled or delayed departures
 - Article 19 Ticket price compensation in the event of delay in arrival
 - Articles 20(1) and (4) Certain exemptions applicable to open tickets and cancellation/delay caused by weather conditions.

However, the Regulation **does not apply** if any of these ships are on excursion or sightseeing tours (other than cruises) or are historical ships certified to carry up to 36 persons.

Question **What information should I receive if my ferry is delayed or cancelled?**

Answer If your passenger service or cruise is cancelled or there is a delay in departure from its port terminal (or, where possible, its port), then the carrier (or where appropriate the terminal operator) must -

- Inform you of the situation as soon as possible and in any event no later than 30 minutes after the scheduled time of departure,
- Inform you of the estimated departure and arrival time as soon as that information is available,
- If you miss a connecting transport service due to a cancellation or delay, make reasonable efforts to inform you of alternative connections.

The carrier or, where appropriate, the terminal operator, must ensure that disabled persons or persons with reduced mobility receive the above information in accessible formats.

See below for details of possible compensation that may arise in particular circumstances.

Question Am I entitled to compensation in the case of delay or cancellation?

Answer Please see the table below for a summary of entitlements that may arise in particular circumstances.

Compensation or assistance to be provided for cancellation or delays of Passenger Services			
Loss Suffered by Passenger	Type of Compensation Carrier Liable for	Exemptions to Liability for Compensation	Conditions of Liability
Cancellation or Delay for more than 90 minutes.	<p>(a) Assistance - Snacks, meals or refreshments free of charge. (Article 17(1))</p> <p>(b) A choice between reimbursement of the ticket price or re-routing to the final destination under comparable conditions – in addition for passengers departing from port terminals they may be offered, where relevant, a return service free of charge to the first point of departure. (Article 18)</p>	<p>None.</p> <p>Does not apply to passengers with open tickets as long as the departure time is not specified, with the exception of passengers holding a travel pass or season ticket.</p> <p>Does not apply if the passenger is informed of the cancellation or delay before the purchase of the ticket or if the cancellation or delay is caused by the passenger.</p>	<p>To be provided to passengers departing from port terminals. To be supplied in reasonable relation to the waiting time, provided they are available or can reasonably be supplied.</p> <p>Passenger is offered a choice between re-routing to the final destination or reimbursement as described across.</p> <p>Reimbursement has to be made within 7 days.</p>
Cancellation or Delay in departure where a stay of one or more nights or a stay additional to that intended by the passenger becomes necessary.	<p>Accommodation on board or ashore and transport to and from the port terminal and place of accommodation free of charge, in addition to the snacks, meals or refreshments mentioned at (a) above. (Article 17(2))</p>	<p>Does not apply to passengers with open tickets as long as the departure time is not specified, with the exception of passengers holding a travel pass or season ticket.</p> <p>Does not apply if the passenger is informed of the cancellation or delay before the purchase of the ticket or</p>	<p>To be provided to passengers departing from port terminals where and when physically possible.</p> <p>For each passenger the carrier may limit the total cost of accommodation ashore, not including transport to and from the port terminal and place of accommodation, to €80 per night for a maximum of 3 nights.</p>

Compensation or assistance to be provided for cancellation or delays of Passenger Services			
Loss Suffered by Passenger	Type of Compensation Carrier Liable for	Exemptions to Liability for Compensation	Conditions of Liability
		<p>if the cancellation or delay is caused by the passenger.</p> <p>Does not apply if the carrier proves that the cancellation or delay is caused by weather conditions endangering the safe operation of the ship.</p>	
Delay in arrival at final destination.	<p>Applies to all tickets above €6.</p> <p>Applies to voyages to/from ports or port terminals.</p> <p>Compensation of:</p> <p>(a) Minimum of 25% of ticket price or for longer delays</p> <p>(b) Maximum of 50% of ticket price (see Article 19(1) of the Regulation for details).</p>	<p>Carriers have an option to exclude tickets priced up to a maximum of €6 from the compensation rules.</p> <p>Does not apply to passengers with open tickets as long as the departure time is not specified with the exception of passengers holding a travel pass or season ticket.</p> <p>Does not apply if the passenger is informed of the cancellation or delay before the purchase of the ticket or if the cancellation or delay is caused by the passenger.</p> <p>Does not apply where the Carrier can prove that the cancellation or delay is caused by weather conditions endangering the safe operation of the ship or by extraordinary circumstances.</p>	<p>The passenger cannot lose the right to transport.</p> <p>Compensation must be paid within 1 month of the submission of the request for compensation.</p> <p>Carriers may introduce a minimum threshold (not exceeding €6) under which payments for compensation will not be paid.</p> <p>(see Article 19 of the Regulation for full details on conditions)</p>

Question As a disabled passenger /passenger with reduced mobility, what are my rights to transport?

Answer Article 7.1 of the Regulation states that '*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 reduced mobility*'.

Article 7.2 of the Regulation further states that *'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'*.

Question **Are there any exceptions to the above right to transport?**

Answer Yes, the right to transport for a disabled passenger / passenger with reduced mobility shall not apply -

- where the design of the passenger ship or port infrastructure and equipment (including port terminals), makes it impossible to carry out embarkation, disembarkation or carriage of a person in a safe or operationally achievable manner,
- where the carriage of a person would result in the carrier not being in a position to meet safety requirements established by international, EU or national law, e.g. the Safety of Life at Sea Convention (SOLAS).

However, in such cases the carrier, travel agent and/or tour operator must make all reasonable efforts to propose to the passenger concerned an acceptable alternative transport on a passenger service or a cruise operated by the carrier. See **Appendix 2 to this Note** for further information.

Question **As a disabled passenger/passenger with reduced mobility, what sort of assistance am I entitled to?**

Answer As a disabled passenger/passenger with reduced mobility you must receive assistance free of charge once you have notified the carrier or terminal operator in advance that such assistance is required. Please see **Appendix 1 to this Note** for further information.

The specific assistance required should normally be notified by any means available including electronic means or SMS at the latest 48 hours in advance of travelling, unless a shorter timeframe is agreed with the carrier or terminal operator. The assistance should, if possible, be adapted to the individual needs of the disabled person.

Where no advance notification of the need for assistance is made, all reasonable efforts should be made to provide it.

Assistance dogs should be carried where required.

The carrier can agree a time, set out in writing (which can also be a text or an email), that the disabled person or person with reduced mobility should arrive at a designated point inside or outside the port terminal (not more than 60 minutes before published embarkation/departure time). The designated point must be clearly signposted and offer basic information, in accessible formats, about the port terminal and assistance available.

The carrier should confirm the availability of assistance to passengers who request it, by any means available including texting.

Question **What is the position when a disabled passenger/passenger with reduced mobility needs to be accompanied by another person?**

Answer Where a carrier, travel agent or tour operator requests a disabled passenger /passenger with reduced mobility to be accompanied by another person to provide assistance, the accompanying person must be carried free of charge.

Question **What are the prior notification requirements if I need assistance during my journey?**

Answer A notification of your need for assistance by any means available, including electronic means or SMS, is required at the latest 48 hours before the assistance is needed, unless a shorter period is agreed between you and the carrier or terminal operator.

A disabled person or a person with reduced mobility must notify the carrier at the time of reservation or advance purchase of the ticket of their specific needs with regard to accommodation, seating or services required or their need to bring medical equipment, provided the need is known at that time. A notification may be submitted to the travel agent or the tour operator from which the ticket was purchased.

Question **What happens if mobility equipment is lost or damaged?**

Answer You may be entitled to compensation. Please see table below for details.

Compensation for and/or replacement of Mobility and Other Specific Equipment				
Loss Suffered by Passenger	Type of Compensation Carrier / Terminal Operator Liable for	Temporary Replacements	Exemptions to Liability for Compensation	Conditions of Liability
Loss of mobility equipment or other specific equipment if the incident which caused the loss was due to the fault or neglect of the carrier or terminal operator.	Replacement value of equipment concerned.	Every effort must be made to provide as soon as possible suitable temporary replacement equipment.	Exempt if Article 4 of Regulation (EC) No. 392/2009 on the liability of carriers of passengers by sea in the event of accidents applies.	Does not apply.
Damage to mobility equipment or other specific equipment if the incident which caused the damage was due to the fault or neglect of the carrier or terminal operator.	Costs relating to repairs.	Every effort must be made to provide as soon as possible suitable temporary replacement equipment.	Exempt if Article 4 of Regulation (EC) No. 392/2009 on the liability of carriers of passengers by sea in the event of accidents applies.	Does not apply.

Question **How do I make a complaint regarding any infringement of the Regulation?**

Answers In Ireland, passengers should first direct their complaint to the relevant carrier or terminal operator. Complaints must be submitted to the carrier or terminal operator within 2 months of the date on which the service was performed or should have been performed. The carrier/terminal operator must respond to the passenger within 1 month to inform them whether the complaint has been upheld, rejected or remains under investigation; however, a final reply must issue within 2 months of the date of receipt of the passenger's complaint.

If a passenger is dissatisfied with the reply received from the carrier or terminal operator and the complaint is not resolved, the passenger may appeal to the National Transport Authority, which is the designated enforcement body for Regulation 1177/2010 in Ireland.

National Transport Authority (www.nationaltransport.ie)

Tel. 00353 (0)1 879 8300

Question **What is the National Enforcement Body?**

Answer Regulation No. 1177/2010 requires the designation of a National Enforcement Body which will be responsible for the enforcement of the Regulation from 18 December 2012.

SI 394 of 2012 designated the National Transport Authority as the responsible enforcement body for Regulation 1177/2010 in Ireland.

See www.nationaltransport.ie or tel. +353 (0) 1 8798300

Question **Where can I obtain a copy of Regulation No. 1177/2010?**

Answer A copy of the Regulation can be downloaded from:

<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2010:334:SOM:EN:HTML>

Assistance in Ports or Port Terminals including Embarkation and Disembarkation (Annex II of Regulation No. 1177/2010)

1. Assistance and arrangements necessary to enable disabled persons and persons with reduced mobility to:
 - communicate their arrival at a port terminal¹⁰ or, if possible, a port¹¹ and their request for assistance,
 - move from an entry point to the check-in counter, if any, or to the ship,
 - check in and register baggage, if necessary,
 - proceed from the check-in counter, if any, to the ship, through emigration and security points,
 - embark the ship, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,
 - proceed from the ship door to their seats/area,
 - store and retrieve baggage on the ship,
 - proceed from their seats to the ship door,
 - disembark from the ship, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,
 - retrieve baggage, if necessary, and proceed through immigration and customs points,
 - proceed from the baggage hall or the disembarkation point to a designated point of exit,
 - if required, make their way to the toilet facilities (if any).
2. Where a disabled person or person with reduced mobility is assisted by an accompanying person, that person must, if requested, be allowed to provide the necessary assistance in the port and with embarking and disembarking.
3. Handling of all necessary mobility equipment, including equipment such as electric wheelchairs.
4. Temporary replacement of damaged or lost mobility equipment with equipment which is a suitable alternative.
5. Ground handling of recognised assistance dogs, when relevant.
6. Communication in accessible formats of information needed to embark and disembark.

¹⁰ **Port terminal** is defined as a terminal, staffed by a carrier or a terminal operator, in a port with facilities, such as check-in, ticket counters and lounges, and staff for the embarkation or disembarkation of passengers travelling on passenger services or on a cruise.

¹¹ A **Port** is defined as a place or a geographical area made up of such improvement works and facilities as to permit the reception of ships from which passengers regularly embark or disembark.

Assistance on Board Ships (Annex III of Regulation No. 1177/2010)

1. Carriage of recognised assistance dogs on board the ship, subject to national regulations.
2. Carriage of medical equipment and of the mobility equipment necessary for the disabled person or person with reduced mobility, including electric wheelchairs.
3. Communication of essential information concerning a route in accessible formats.
4. Making all reasonable efforts to arrange seating to meet the needs of disabled persons or persons with reduced mobility on request and subject to safety requirements and availability.
5. If required, assistance in moving to toilet facilities (if any).
6. Where a disabled person or person with reduced mobility is assisted by an accompanying person, the carrier shall make all reasonable efforts to give such person a seat or a cabin next to the disabled person or person with reduced mobility.

Right To Reimbursement or Re-Routing for Disabled Persons and Persons with Reduced Mobility (Annex I of Regulation No. 1177/2010)

1. Where reference is made to this Annex, disabled persons and persons with reduced mobility shall be offered the choice between:
 - (a) - reimbursement within 7 days, paid in cash, by electronic bank transfer, bank order or bank cheque, of the full cost of the ticket at the price at which it was purchased, for the part or parts of the journey not made, and for the part or parts already made if the journey no longer serves any purpose in relation to the passenger's original travel plan, plus, where relevant,
 - a return service to the first point of departure, at the earliest opportunity; or
 - (b) re-routing to the final destination as set out in the transport contract, at no additional cost and under comparable conditions, at the earliest opportunity; or
 - (c) re-routing to the final destination as set out in the transport contract, under comparable conditions, at a later date at the passenger's convenience, subject to availability of tickets.
2. Paragraph 1(a) shall also apply to passengers whose journeys form part of a package, except for the right to reimbursement where such a right arises under Directive 90/314/EEC.
3. When, in the case where a town, city or region is served by several ports, a carrier offers a passenger a journey to an alternative port to that for which the reservation was made, the carrier shall bear the cost of transferring the passenger from that alternative port either to that for which the reservation was made, or to another nearby destination agreed with the passenger.