

# **Regulation (EU) No. 1177/2010 concerning the rights of passengers when travelling by sea and inland waterways**

## **Guidance Note N° 5**

### **Guidance for disabled passengers and passengers with reduced mobility when travelling by ship**

1. The EU Regulation aims to provide disabled persons and persons with reduced mobility<sup>1</sup> with the same opportunities to travel by sea and inland waterway as they have in other transport sectors across the EU.
2. This Guidance Note will be of interest to disabled persons and persons with reduced mobility in clarifying their rights when travelling by ferry and cruise ship.

#### **Pre-journey considerations**

##### ***Planning a passenger journey***

3. The EU Regulation requires ferry and cruise operators to provide sufficient information for a passenger to select a sailing, make a booking for it, and then undertake the voyage successfully.
4. The passenger can expect to find such information on ferry and cruise operators' websites, in their brochures, and in any offices (including travel agents) where bookings are taken. Information may also be available from ferry and cruise call centres. The passenger can also expect the information to be available in accessible formats<sup>2</sup> and in the same languages as general information provided for all passengers.
5. Passengers will need to consider that ships are fundamentally different from premises ashore. Different legal requirements and practical safety considerations apply afloat. For example, some routine items of medical equipment (such as oxygen cylinders) may not be permitted on board vessels, or may be subject to a size limit. Large or heavy items of mobility equipment may not be permitted in all parts of the ship, particularly if the ship itself is small. Information on such restrictions will be available from the ship operator. In the event that a passenger has any questions on a vessels capacity to carry specific equipment, the passenger should consult the operator.
6. When a passenger is planning a cruise or a longer journey the passenger should consider that, on most ships, not all cabins are designed for wheelchair users. This may impose a practical limit on the number of wheelchair users who can be carried on the vessel.

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<sup>1</sup> For the purposes of this EU Regulation a 'disabled person' or 'person with reduced mobility' is defined as 'any person whose mobility when using transport is reduced as a result of any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or as a result of age, and whose situation needs appropriate attention and adaptation to his particular needs of the service made available to all passengers'.

<sup>2</sup> Such accessible formats could include Braille, audio, video and / or other electronic formats.

7. Similarly, the legal requirement to be able to evacuate all passengers from most vessels in an emergency within 30 minutes may necessitate limits on the numbers of passengers who cannot reach the muster station unaided. Any such restrictions will be specific to individual ships; and the operator will be able to provide further information in this respect.

8. A passenger can expect assistance in ports, including embarkation and disembarkation. For further details on when assistance arrangements may apply (including on board a vessel) please see Guidance Note 2, which outlines the obligations on carriers, travel agents or tour operators on facilitating the carriage of disabled persons or persons with reduced mobility.

9. If a passenger requires assistance with personal care, however, (such as feeding, breathing, using medication or using the toilet) the passenger may wish to travel with a companion who can assist. In certain circumstances and where strictly necessary, carriers, travel agents and tour operators may require that a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance required. Any such person is to be carried free of charge on a ferry, and the ferry operator will provide information about obtaining a free ticket accordingly. Under the EU Regulation there is no such entitlement in relation to cruises, so if a passenger is booking a cruise and requires a companion, that passenger will need to pay for the companion to travel.

10. The passenger will not be charged for taking onto the ship any medical or mobility equipment (assuming that it is permitted on board) that is reasonably necessary for their needs during the voyage<sup>3</sup>.

### ***Booking the facilities and assistance a passenger will need***

11. If a passenger needs particular seating or accommodation on board, the passenger should notify the ferry or cruise operator (or the travel agent) when the booking is made. This is especially important if a passenger needs a cabin that has been adapted for disabled passengers, since there may be limited availability of these. The passenger should not assume that such facilities will be available if these facilities have not been booked in advance, as it is likely that the operator or carrier will reserve any cabins that are designed for disabled passengers on a first come first served basis.

12. Similarly, if a passenger requires assistance at the port or on board the ship, the passenger should let the ferry or cruise operator know, and be specific about the assistance required. The passenger should do this at the time of booking. If less than 48 hours notice is provided by a passenger, the carrier or operator must make all reasonable effort to provide assistance, however any such assistance cannot be guaranteed.

13. A passenger may seek to buy a ticket at the time when they wish to travel or may ask for assistance on arrival at the port without having done so beforehand. In such circumstances, the ferry or cruise company will make every reasonable effort to accommodate the passenger and to provide the assistance needed. However, if the operator requires 48 hours notice and if the passenger has not provided it, there is no guarantee that such assistance will be available. Similarly, there is no guarantee that specific seating or cabin accommodation needed by the passenger will be

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<sup>3</sup> Draft guidance to be updated shortly to cover transportation of additional mobility equipment.

available if it has not been pre-booked. It is possible that, in such circumstances, the passenger may be unable to travel.

14. If a passenger requires the use of a wheelchair and wishes to bring their own on board a vessel, the passenger should check when making their booking that their own particular wheelchair can be safely accommodated on board the ship and whether it will be restricted to particular areas of the ship. The passenger should always consider that on safety grounds there may be reason to restrict not only the size of motorised wheelchairs within the passenger areas, but also the number of them. Therefore, the passenger's ability to take their wheelchair with them may depend on how early the booking was made relative to other passengers' bookings and how many other wheelchair users have already booked for that particular sailing.

15. If a passenger needs to bring medical equipment on board a ship, the passenger must notify the operator (or the travel agent) when making their booking. Some equipment may be restricted on board ships: examples include medical oxygen systems (other than refrigerated flasks) which require refrigeration to keep the oxygen in liquid form, and mattresses and other items of furniture that require fire testing. Electrical equipment may need to be tested to confirm that it is safe for use on the ship; and, in any event, the passenger should check that such equipment is compatible with the ship's electrical supply. The passenger should also inform the operator of the risks to their condition if the equipment should fail during the voyage. The passenger must notify the operator of any type of medical equipment regardless of how long the passenger has been using it.

16. In certain, carefully-defined, circumstances the operator (or travel agent) may refuse to accept a passenger's booking. The primary circumstance is where the operator may have to refuse to carry a passenger (or equipment on which the passenger depends) in order to meet statutory safety requirements. This would usually relate to the requirement to evacuate all passengers from most vessels in an emergency within 30 minutes.

17. The second circumstance is where the design of the ship or ports it uses, make it impossible to embark, disembark or carry the passenger in a safe and operationally feasible manner: for example where a cruise ship embarks and disembarks passengers by tender rather than directly from / to the quay. Forecast tide levels and weather conditions are also likely to need to be considered by the operator when accepting a booking from a passenger with reduced mobility as this may affect their embarkation and disembarkation of the vessel.

18. In the event that an operator or travel agent does refuse a disabled person or person with reduced mobility a reservation, that person should be informed immediately of the specific reasons. The would-be passenger can ask for these reasons to be provided in writing within five working days of the decision. The would-be passenger can also expect person who refused the asked-for booking to suggest an alternative sailing by the same operator, where these exist.

### ***What the passenger can expect when travelling***

#### **At the port –**

19. When a passenger notifies the ferry service or cruise operator of the need for assistance, the operator or carrier must send the passenger formal confirmation that such assistance has been requested.

20. If the passenger does not receive such confirmation, it may indicate that the passenger's request has gone astray. It may be prudent in these circumstances to contact the ferry or cruise operator before travelling to the port to obtain confirmation that the assistance requested will be ready when the passenger arrives at the port.

21. A passenger should be informed, when requesting assistance, of the point within the port of embarkation to which the passenger should present themselves and the time at which the passenger should do so (not more than 60 minutes before the published embarkation time). This designated point should be well signposted and, once the passenger arrives in the port, they should present themselves accordingly.

22. If the passenger has requested such assistance, the operator of the port terminal will assist the passenger to check-in and register their baggage (including mobility equipment and any other specific equipment). The operator will also assist in presenting the passenger for any security and border controls, and will see the passenger onto the ship. The passenger should expect to receive similar assistance on disembarkation at the end of the passenger's voyage subject to disembarkation taking place in an EU Member State.

23. If a passenger arrives at the port with medical or mobility equipment about which they have not notified the operator in advance, the passenger may be unable to take it onto the ship. This could result in the passenger not being able to undertake the voyage.

24. Similarly, if the restrictions on the passenger's mobility are such that the passenger could have been refused booking and the passenger did not make the operator (or travel agent) aware of them when making the booking, the operator may refuse to check the passenger in for the service. In this event the passenger should be informed immediately of the specific reasons, and the passenger can request for these reasons to be provided in writing within five working days.

25. Where a passenger has a booking and / or a ticket and has informed the operator (or travel agent) about their specific requirements for accommodation or their need to bring medical equipment but nonetheless is denied embarkation for reasons related to them, then the passenger (and any companion who is travelling with the passenger at the operator's direction) has the right to a full refund within seven days, or alternatively if all safety requirements can be met, free travel back to their first point of departure, or to be taken to their destination by a different route, at no additional cost and under comparable conditions.

26. Procedures for embarking and disembarking disabled passengers and those passengers with reduced mobility will vary from ship to ship where passengers may be called for boarding first depending on the situation, equipment and designated lift points.

At an unmanned departure point –

27. If a passenger's sailing operates from an unmanned slipway or quay, as some smaller ferry services typically do, the passenger will need to make their own arrangements for getting onto the ship<sup>4</sup>.

On board the vessel –

28. If the passenger has requested such assistance, the operator of the ferry or cruise ship will assist the passenger, on embarkation, to proceed to an appropriate seating area or cabin, and to stow any luggage. If the passenger uses a motorised wheelchair that is too large or heavy for the passenger areas of the ship (and therefore may need to remain on the car deck of the ferry, for example), the passenger will be provided with alternative equipment for use during the voyage.

29. During the voyage, if a passenger needs assistance, the ferry or cruise operator will on request assist the passenger to proceed to the toilet. The passenger should rely on their companion if they need assistance using the toilet or with other aspects of personal care (such as feeding, breathing, or using medication) or if the passenger wishes to take advantage of any of the recreational or retail opportunities on board the ship.

30. It is a requirement under the EU Regulation for all carriers and operators to provide staff that come into contact with passengers (for example, on board a vessel or in the port) with disability awareness training. The passenger should consider that this does not mean the employees are experts in all types of disability. The passenger should explain their personal requirements clearly if necessary.

31. At the end of the voyage, if the passenger has requested such assistance, the ferry or cruise operator will assist the passenger to retrieve any luggage and to disembark the vessel.

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<sup>4</sup> Draft guidance to be updated shortly to cover what kind of assistance can be provided at unmanned departure points

## **Annex A**

### **Right to transport (Article 7)**

Under the EU Regulation 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 or of reduced mobility<sup>5</sup>. These 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.

### **Exceptions and special conditions (Article 8)**

By way of derogation from Article 7(1), carriers, travel agents and tour operators may refuse to accept a reservation from, to issue or otherwise provide a ticket to or to embark a disabled person or person with reduced mobility:

- a) in order to meet applicable safety requirements established by international, Union or national law or in order to meet safety requirements established by the competent authorities
- b) where the design of the passenger ship or port infrastructure and equipment, including port terminals, makes it impossible to carry out the embarkation, disembarkation or carriage of the person in a safe or operationally feasible manner.

In the event of a refusal to accept a reservation or to issue or otherwise provide a ticket on the grounds referred to above, carriers, travel agents and tour operators should make all reasonable efforts to propose to the person concerned an acceptable alternative transport on a ferry or a cruise operated by the carrier.

Where a disabled person or a person with reduced mobility who holds a reservation or has a ticket and has complied with the notification requirements in the second paragraph of Article 11, is nonetheless denied embarkation, that person and any accompanying person referred to in paragraph 4 of Article 8, shall be offered the choice between the right to reimbursement and re-routing. The right to the option of a return journey or re-routing is conditional on all safety requirements being met.

Where strictly necessary, carriers and travel agents and tour operators, may require that a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance required. On a ferry service<sup>6</sup>, any such accompanying person shall be carried free of charge.

When carriers, travel agents and tour operators refuse embarkation to the passenger, the passenger shall immediately inform the disabled person or person with reduced mobility of the specific reasons. On request, those reasons shall be notified to the disabled person or person with reduced mobility in writing, no later than five working days after the request.

### **Accessibility and information (Article 9)**

Carriers and terminal operators shall where appropriate through their organisations, establish or have in place, non-discriminatory access conditions for the transport of disabled persons and persons with reduced mobility and accompanying persons.

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<sup>5</sup> Subject to the exceptions listed under Article 8 of the EU Regulation.

The access conditions should be made publicly available by carriers and terminal operators physically or on the internet, in accessible formats on request, and in the same language as those in which information is generally made available to all passengers. Particular attention should be paid to the needs of disabled persons and persons with reduced mobility.

### **Right to assistance in ports and on board ships (Article 10)**

Carriers and terminal operators shall, within their respective areas, provide assistance free of charge to disabled persons and persons with reduced mobility, in ports, including embarkation and disembarkation, and on board ships. The assistance shall be adapted to the individual needs of the disabled person.

### **Conditions under which assistance is provided (Article 11)**

Carrier and terminal operators should provide assistance to disabled persons and persons with reduced mobility, provided that –

- the carrier or the terminal operator is notified of the person's need for such assistance at least 48 hours before the assistance is needed, unless a shorter time period is agreed between the passenger and the carrier or terminal operator;<sup>7</sup>
- the disabled person or person with reduced mobility presents himself / herself at the port or at the designated point at a time stipulated in writing by the carrier which shall not be more than 60 minutes before the published embarkation time, or if no embarkation time is stipulated, no later than 60 minutes before the published departure time unless a shorter period is agreed between the passenger and the carrier or terminal operator.

Disabled persons or persons with reduced mobility shall also 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 the time.

Where no notification is made, carriers and terminal operators shall nonetheless make all reasonable efforts to ensure that the assistance is provided in such a way that the disabled person or person with reduced mobility is able to embark, disembark and travel on the ship.

Where a disabled person or person with reduced mobility is accompanied by a recognised assistance dog, that dog shall be accommodated together with that person, provided that the carrier, travel agent or tour operator is notified in accordance with applicable national rules on the carriage of recognised assistance dogs on board passenger ships, where such rules exist<sup>8</sup>.

### **Reception of notifications and designation of meeting points (Article 12)**

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<sup>7</sup> Where the passenger fails to notify the carrier / operator of their required needs within the 48 hour timeframe, the carrier / operator should still make all reasonable effort to ensure that the assistance is provided in such a way that the disabled person or person with reduced mobility is able to embark, disembark and travel on the vessel.

<sup>8</sup> For further information on the carriage of assistance dogs please refer to Draft Guidance note 4.

Carriers, terminal operators, travel agents and tour operators should take all measures necessary for the request for notifications, and for the request of notifications made in Article 11. That obligation shall apply at all their points of sale, including sale by telephone and over the internet.

If travel agents or tour operators receive the notification referred to in paragraph 1 they should within their normal office hours, transfer the information to the carrier or terminal operator without delay.

Carriers and terminal operators shall designate a point inside or outside port terminals at which disabled persons or persons with reduced mobility can announce their arrival and request assistance. That point shall be clearly signposted and shall offer basic information about the port terminal and assistance provided, in accessible formats.

Version 3.0      18/12/2012  
(Comments received by midday on 14 December 2012  
have been taken into account).