

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

## **Guidance Note N° 2**

### **Guidance for carriers, tour operators and travel agents on the carriage of disabled passengers and others with reduced mobility**

1. This Guidance Note will be of interest to ferry and cruise operators, travel agents and tour operators in clarifying their legal obligations on the carriage by sea of disabled persons, or those persons with reduced mobility<sup>1</sup>.
2. The guidance also sets out what arrangements carriers, tour operators and travel agents need to have in place when they are unable to fulfil those obligations as a result of, for example, the need to meet safety requirements.

#### **Requirement to carry disabled passengers**

3. Disabled people and others with reduced mobility are entitled to make a booking for, buy a ticket for, and travel by ship on the same basis as other passengers. They must be charged no more than any other passenger would be charged for their ticket, and must be provided with defined assistance as necessary for them to travel.
4. There are only two circumstances in which an operator of a ship (or travel agent or tour operator on its behalf) can refuse to accept a reservation from or to embark a disabled person or a person with reduced mobility for reasons related to their disability or reduced mobility:

- (1) Where carrying the person would conflict with safety requirements as established by international, EU or national law or in order to meet safety requirements established by the competent authorities.

The primary requirement relating to the safety of the ship are those set out in, and derived from, SOLAS and the Safety Management Codes – in particular, the requirement for all survival craft required in order to provide for abandonment by the total number of persons on board to be capable of being launched with their full complement of persons and equipment within a period of 30 minutes (less for high speed craft) from the time the *abandon ship* signal is given after all persons have been assembled with life jackets donned.

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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 their particular needs of the service made available to all passengers'.

Other requirements relate to the nature and size of equipment that can be carried on board. For example, oxygen systems (other than refrigerated flasks) which require refrigeration to keep the oxygen in liquid form are prohibited.

The operator of a ship will need to carry out risk assessments, specific to the ship, its itinerary and the vessel's boarding arrangements for passengers, to determine any restrictions that are necessary in order to comply with safety requirements.

(2) Where the design of the passenger ship or port infrastructure and terminals make it impossible to carry out the embarkation, disembarkation or carriage of the person in a safe or operationally feasible manner.

The operator of a ship will need to carry out a risk assessment, for every vessel that is operated, to consider the safety risks arising from any restrictions on a passenger's ability to move around the ship freely and unaided – which will need to include the safety risks associated with providing assistance to such a passenger – in order to determine the extent of mobility restrictions that can be managed on board (given the constraints imposed by the design of the ship) in a safe or operationally feasible manner.

The operator of a ship will also need to carry out a risk assessment, for every port (whether a manned terminal or an unmanned slipway/quay) used by its ships, to consider the safety risk arising from any restrictions on a passenger's ability to embark or disembark freely and unaided at those ports – which will need to include the safety risks associated with providing assistance to such a passenger – in order to determine the extent of mobility restrictions that can be managed in the port (given the design of its infrastructure and equipment) in a safe or operationally feasible manner.

In the context of a cruise, it is not necessary for the risk assessment to cover ports of call as well as ports of embarkation and disembarkation. The fact that the infrastructure at a port of call (for example, the use of tenders) may render it impossible for a disabled passenger to go ashore is not grounds for refusing to accept a booking from such a passenger for that cruise – although, clearly, prospective passengers should be made aware of such considerations prior to booking.

5. These risk assessments should be fully documented, as the operator will need to be in a position to provide any passenger who is refused a booking accordingly with a written explanation of the reasons for that refusal. Bearing in mind that, in some instances, the decision about what is safe in the conditions prevailing on the day of the sailing will be taken by the master, the risk assessment should identify the considerations that would typically be taken into account.

6. The EU Regulation is concerned only with disability and with mobility. It does not prohibit an operator from refusing to accept a booking from, or to sell a ticket to, or to refuse to carry a passenger for other reasons. It does not, for example, prohibit an operator from refusing to carry a passenger who is fully mobile but has a health condition that may require medical attention that will be unavailable during the voyage. It does not, therefore, prejudice the assessments that cruise operators carry out in order to ensure that foreseeable treatment needs do not exceed the capability of their ships' hospitals and doctors.

7. The EU Regulation also does not preclude refusals of disabled passengers or others with reduced mobility based on failure to accept or comply with the conditions

and conditions of carriage to which all passengers are subject (for example, not being in possession of a passport or visa where these are required). Nor does it prejudice a master's ability to refuse to embark any passenger who is drunk or who is behaving in a manner that causes annoyance or injury to others.

8. Nor, clearly, does the EU Regulation prohibit operators from refusing to take further bookings for accommodation that is already fully booked. It expressly imposes no requirement on operators to modify their ships so as to provide further accommodation for disabled passengers. Consequently, once all cabins that are suitable for disabled passengers have been booked, the operator may refuse to accept further bookings from passengers who require such cabins.

### **Providing clear information to would-be passengers**

9. Operators of ships and of port terminals need to have documented procedures in place for the carriage of disabled passengers. As and when such procedures are established or reviewed, operators should consult with appropriate representatives of disabled passengers.

10. The purpose of these procedures is to give effect to the over-riding principle that disabled passengers will be carried on the same basis as all other passengers. Accordingly, they need to cover the assistance that will be provided to disabled passengers, the arrangements for disabled passengers to take advantage of such assistance (how and when to request assistance, and where to report on arrival at the port of embarkation), and the exceptional circumstances in which passengers may be refused carriage (as set out above).

11. Clear information should be provided about equipment that cannot be carried onboard the vessel, such as oxygen cylinders, and about any restrictions on the size or weight of equipment that may be taken on board (or into the passenger areas on board). A summary explanation of the reason for such restrictions should be set out.

12. The circumstances in which a disabled passenger may be required to be accompanied by a companion also need to be clearly set out, together with, in relation to ferry services, the arrangements for obtaining a ticket for such a companion free of charge.

13. Operators need to publish these procedures on their website and in their brochures, and to make them available in offices where bookings are taken. Tour operators selling packages that include travel by sea or inland waterway similarly need to advertise these procedures to potential customers.

14. Guidance for disabled passengers and quality standards for provision of assistance to disabled passengers need to be published in the same languages as general information (on conditions of carriage and how to make a booking, etc) that is applicable to all passengers. The information should also be made available in accessible formats upon request.

### **Handling of refusals, at booking and embarkation**

15. Where a cruise or ferry operator (or a travel agent) refuses to accept a booking from or to sell a ticket to a passenger for a particular sailing for reasons related to the passenger's disability or reduced mobility, the operator (or travel agent) must try to identify an alternative sailing operated by the ferry / cruise operator that may be acceptable to the passenger.

16. Where (as will usually be the case, provided that the primary carriage was reasonably denied in the first place) no such alternatives are available and the would-be passenger is therefore unable to make a booking, the operator must then and there explain the reasons why. The operator (or travel agent) must be ready to provide the explanation in writing within five working days, and must do so if the individual so requests.

17. Where a disabled person or a person with reduced mobility has a booking or a ticket for a sailing and when making the booking or buying the ticket had provided information about their specific requirements for accommodation or need to bring medical equipment for reasons related to their disability or mobility and is nonetheless refused embarkation at the port, the ferry or cruise operator must

- either provide a full refund within seven days and, if all safety requirements can be met, arrange free travel for the person back to their first point of departure
- or arrange, similarly if all safety requirements can be met, for the person to be taken to their destination by a different route (or on a later sailing, if that suits the passenger) at no additional cost and under comparable conditions.

The choice between the two options is for the passenger.

## **Providing assistance to passengers**

### At manned terminals

18. Operators of port terminals must provide such assistance as a passenger may need in order to proceed through a port of embarkation from the point of arrival to the point where the passenger is safely on board the vessel, and through a port of disembarkation from the point where the passenger disembarks the vessel to the port exit.

19. This will include designating and signposting a place where a disabled passenger can report on arrival in the port, assisting the passenger to proceed physically through the port and the terminal building, presenting the passenger for any security and border control formalities, and (if necessary) assisting the passenger to proceed to any toilet facilities. Full details are set out in Annex II to the EU Regulation.

20. The obligation on operators of port terminals to provide such assistance is conditional upon the passenger notifying their need for it at least 48 hours before arrival in the port and then arriving at the port in sufficient time.

21. A passenger may ask for assistance on arrival at the port without having done so beforehand. In such circumstances, if less than 48 hours notice is provided by a passenger, the terminal operator must make all reasonable effort to provide assistance, however any such assistance cannot be guaranteed.

### At unmanned departure points

22. An operator of an unmanned slipway or quay is under no obligation to provide assistance – and, clearly, is not in a position to do so. The needs of disabled passengers should nonetheless be taken into account as and when such slipways or quays are designed or extensively refurbished.

### On board ships

23. Operators of ferries and cruise ships must provide such assistance as a passenger may need in order to proceed to an appropriate seat or cabin on embarkation, to stow and retrieve any luggage, to proceed (if necessary) to any toilet facilities, and proceed to the ship's exit for disembarkation at the end of the voyage. Full details are set out in Annexes II and III of the Regulation.

24. Operators are not, however, obliged to provide assistance with personal care that the passenger may require (such as feeding, breathing, using medication or using the toilet), nor to assist the passenger in taking advantage of any of the recreational or retail opportunities on board the ship. Operators should assume that passengers who require personal care will rely on their companion for such assistance.

25. Operators must also carry any medical or mobility equipment belonging to the passenger that is needed for the voyage, subject to such equipment being permitted on board the vessel. If a 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 should be provided with alternative equipment for use during the voyage. In the event that alternative equipment cannot be provided for whatever reason, the passenger should be made aware of the situation at the time of making the booking.

26. The obligation on ferry and cruise operators to provide assistance on board the ship is conditional upon the passenger notifying their need for it at least 48 hours before embarkation. If a passenger does not give this notice, the operator will need to make all reasonable efforts to find suitable accommodation for the passenger and to provide the assistance needed. However, if the operator requires 48 hours notice and if the passenger has not provided it, any such assistance cannot be guaranteed by the operator.

27. Where a passenger has notified their need for assistance beforehand, the operator of the ferry or cruise ship must promptly acknowledge receipt of the request and confirm that the assistance will be available.

#### General Comment

28. The EU Regulation specifies the minimum standard of protection required. Other laws may impose further requirements. Nothing in the EU Regulation prevents carriers and port terminal operators from offering more favourable conditions as part of their commitment to customer care.

#### Further Contacts

29. On 5 October 2012, the Department for Transport (DfT) consulted on the basis that the Maritime and Coastguard Agency (MCA) should undertake the role of **national enforcement body** for the whole of the UK for the EU Regulation.

30. The DfT also consulted on the basis that the Department supports a voluntary undertaking by the Passenger Shipping Association to act as the **complaint handling body** for England and Wales, and that the Consumer Council for Northern Ireland and the Scottish Government take up similar roles in their respective areas.

31. Subject to views from the public consultation and final agreement with these organisations, we will provide relevant contacts in these organisations in this guidance note, prior to the EU Regulation entering into force on 18 December 2012.

## **Annex A – Rights to transport (Article 7)**

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

Reservations and tickets offered for sale must be offered to disabled persons, and those persons with reduced mobility, at no additional cost and under the same terms and conditions that are applied to all other passengers.

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

Carriers, travel agents and tour operators may only refuse to accept a reservation from, to issue or otherwise provide a ticket to, or to embark a disabled person, or a person with reduced mobility:

- in order to meet applicable safety requirements established by international, European Union or national law.
- where the design of the passenger ship or the 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.

However, in all such cases where there is 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 must make all reasonable efforts to propose to the person concerned acceptable alternative transport on a ferry service 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 requirements referred to in Article 11(2), is nonetheless denied embarkation on the basis of this EU Regulation, that person, and any accompanying person referred to in Article 8(4), shall be offered the choice between the right to reimbursement and re-routing as provided for in Annex I. The right to the option of a return journey or re-routing shall be conditional upon all safety requirements being met.

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 by the disabled person or person with reduced mobility. This provision applies for ferry services only, and not for cruises.

When carriers, travel agents and tour operators refuse to accept a reservation form or to issue a ticket, or otherwise provide a ticket to disabled persons, or persons with reduced mobility, they must immediately inform the disabled person or person with reduced mobility of the specific reasons. If the passenger requests, those reasons should 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)**

In cooperation with organisations representative of disabled persons or persons with reduced mobility, carriers and terminal operators must, 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. The access conditions must, on request, be communicated to national enforcement bodies<sup>2</sup>.

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

Tour operators must make available the access conditions which apply to journeys included in package travel, package holidays and package tours which they organise, sell or offer for sale.

Carriers, travel agents and tour operators must ensure that all relevant information, including online reservation and information, concerning the conditions of carriage, journey information and access conditions is available in appropriate and accessible formats for disabled persons and persons with reduced mobility. Persons needing assistance must receive confirmation of such assistance by any means available and agreed with the passenger, including electronic means or Short Message Service (SMS).

### **Rights to assistance in ports and onboard ships (Article 10)**

Subject to the access conditions provided for in the previous section, carriers and terminal operators must, within their respective areas of competence, provide assistance free of charge to disabled persons and persons with reduced mobility<sup>3</sup>, in ports, including embarkation and disembarkation, and on board ships.

The assistance should, if possible, be adapted to the individual needs of the disabled person or person with reduced mobility.

### **Conditions under which assistance should be provided (Article 11)**

Carriers and terminal operators must, within their respective areas, provide assistance to disabled persons and persons with reduced mobility provided that:

(a) the carrier or the terminal operator is notified, by any means available, including electronic means or SMS, of the person's need for such assistance at the latest 48 hours before the assistance is needed, unless a

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<sup>2</sup> The Coalition Government is currently consulting on the Maritime and Coastguard Agency (MCA) undertaking the role of the national enforcement body for the EU Regulation for the whole of the UK. The MCA is an executive agency of the Department for Transport. This consultation is published alongside these draft guidance notes.

<sup>3</sup> As specified in Annex II and Annex III of Regulation (EC) 1177/2010



shorter period is agreed between the passenger and the carrier or terminal operator; and

(b) the disabled person or person with reduced mobility presents himself at the port or at the designated point and notifies the authority of their arrival:

(i) at a time stipulated in writing by the carrier which shall not be more than 60 minutes before the published embarkation time; or

(ii) 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.

In addition, disabled persons or persons 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.

Notification may always be submitted to the travel agent or the tour operator from which the ticket was purchased. Where the ticket permits multiple journeys, one notification will be sufficient, provided that adequate information on the timing of subsequent journeys is provided. The passenger must receive a confirmation stating that their assistance needs have been notified to the carrier or the terminal operator.

Where no notification is made, carriers and terminal operators must, 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 must 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>4</sup>.

Guidance Note N° 4 of this series deals specifically with guidance for the carriage of recognised assistance dogs (for example, guide or hearing dogs) when travelling by ship.

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

Carriers, terminal operators, travel agents and tour operators shall take all measures necessary for the request for notifications, and for the reception of notifications made in accordance with Article 11(1) (a) and 11(2). That obligation shall apply at all their points of sale, including sale by telephone and over the Internet.

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<sup>4</sup> For further information please visit the Department for Environment, Farming and Rural Affairs website's section on travelling with assistance dogs. This can be found at the following address - <http://www.defra.gov.uk/wildlife-pets/pets/travel/pets/assistance-dogs/>

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

Carriers and terminal operators must 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 must be clearly signposted and must offer basic information about the port terminal and the assistance provided, in accessible formats.

### **Quality standards for assistance (Article 13)**

Terminal operators and carriers operating port terminals or ferry services with a total of more than 100,000 commercial passenger movements during the previous calendar year must, within their respective areas of competence, set quality standards for the assistance as follows:

#### **(a) For assistance in ports (including embarkation and disembarkation)**

- Assistance and arrangements necessary to enable disabled persons and persons with reduced mobility to:
  - communicate their arrival at a port terminal or, if possible, a port 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).
- 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. However, other assistance should be provided by the service provider.

- Handling of all necessary mobility equipment, including equipment such as electric wheelchairs.
- Temporary replacement of damaged or lost mobility equipment with equipment which is a suitable alternative.
- Ground handling of recognised assistance dogs, when relevant.
- Communication in accessible formats of information needed to embark and disembark.

**(b) Assistance on board ships**

- Carriage of recognised assistance dogs on board the ship, subject to national regulations<sup>5</sup>;
- Carriage of medical equipment and of the mobility equipment necessary for the disabled person or person with reduced mobility, including electric wheelchairs.
- Communication of essential information concerning a route in accessible formats.
- 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.
- If required, assistance in moving to toilet facilities (if any).
- 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 immediately next to the disabled person or person with reduced mobility.

Where it is appropriate, terminal operators and carriers must, through their organisations, determine resource requirements for meeting these standards, in cooperation with organisations representative of disabled persons or persons with reduced mobility.

In setting quality standards, full account must be taken of internationally recognised policies and codes of conduct concerning facilitation of the

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<sup>5</sup> For further information please visit the Department for Environment, Farming and Rural Affairs section on travelling with assistance dogs (<http://www.defra.gov.uk/wildlife-pets/pets/travel/pets/assistance-dogs/>), or see Guidance Note N° 4 of this series - *Guidance for the carriage of recognised assistance dogs (for example, guide or hearing dogs) when travelling by ship*

transport of disabled persons or persons with reduced mobility, notably the IMO's Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons' needs.

The quality standards must be made publicly available by terminal operators and carriers physically or on the Internet in accessible formats and in the same languages as those in which information is generally made available to all passengers.

#### **Training and instructions (Article 14)**

Please see annex to draft guidance note 1.

#### **Compensation in respect of mobility equipment or other specific equipment (Article 15)**

Carriers and terminal operators shall be liable for loss suffered as a result of the loss or damage to mobility equipment or other specific equipment, used by a disabled person or person with reduced mobility, if the incident which caused the loss was due to the fault or neglect of the carrier or the terminal operator. The fault or neglect of the carrier shall be presumed for loss caused by a shipping incident.

The compensation referred to in Article 15(1) shall correspond to the replacement value of the equipment concerned or, where applicable, to the costs relating to repairs.

Every effort shall be undertaken to rapidly provide temporary replacement equipment which is a suitable alternative.

#### **Information in the event of cancelled or delayed departures (Article 16)**

In the case of a cancellation or a delay in departure of a ferry service or a cruise, passengers departing from port terminals or, if possible, passengers departing from ports must be informed by the carrier or, where appropriate, by the terminal operator, of the situation 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.

If passengers miss a connecting transport service due to a cancellation or delay, the carrier and, where appropriate, the terminal operator must make reasonable efforts to inform the passengers concerned of alternative connections.

The carrier or, where appropriate, the terminal operator, must also ensure that disabled persons or persons with reduced mobility receive the same necessary and required information required in accessible formats.

### **Assistance in the event of cancelled or delayed departures (Article 17)**

Where a carrier reasonably expects the departure of a ferry service or a cruise to be cancelled or delayed for more than 90 minutes beyond its scheduled time of departure, passengers departing from port terminals must be offered, free of charge, snacks, meals or refreshments in reasonable relation to the waiting time, provided they are available or can reasonably be supplied.

In the case of a cancellation or a delay in departure where a stay of one or more nights or a stay additional to that intended by the passenger becomes necessary, where and when physically possible, the carrier must offer passengers departing from port terminals, free of charge, adequate accommodation on board, or ashore. The carrier must also offer the passenger transport to and from the port terminal and place of accommodation in addition to the snacks, meals or refreshments.

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 EUR 80 per night, for a maximum of three nights.

Carriers must, in respect of providing both information and assistance pay particular attention to the needs of disabled persons and persons with reduced mobility and any accompanying persons.

### **Re-routing and reimbursement in the event of cancelled or delayed departures (Article 18)**

Where a carrier reasonably expects a ferry service to be cancelled or delayed in departure from a port terminal for more than 90 minutes, the passenger shall immediately be offered the choice between:

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

Where a ferry service is cancelled or delayed in departure from a port for more than 90 minutes, passengers shall have the right to such re-routing or reimbursement of the ticket price from the carrier.

The payment of the reimbursement provided for shall be made within 7 days, 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 where the journey no longer serves any purpose in relation to the passenger's original travel plan. Where the passenger agrees, the full reimbursement may also be paid in the form of vouchers and / or other services in an amount equivalent to the price for which the ticket was purchased, provided that the conditions are flexible, particularly regarding the period of validity and the destination.

### **Compensation of the ticket price in the event of delay in arrival (Article 19)**

Without losing the right to transport, passengers may request compensation from the carrier if they are facing a delay in arrival at the final destination as set out in the transport contract. The minimum level of compensation shall be 25 % of the ticket price for a delay of at least:

- (a) 1 hour in the case of a scheduled journey of up to 4 hours;
- (b) 2 hours in the case of a scheduled journey of more than 4 hours, but not exceeding 8 hours;
- (c) 3 hours in the case of a scheduled journey of more than 8 hours, but not exceeding 24 hours; or
- (d) 6 hours in the case of a scheduled journey of more than 24 hours.

If the delay exceeds double the time set out in points (a) to (d), the compensation shall be 50 % of the ticket price.

Passengers who hold a travel pass or a season ticket and who encounter recurrent delays in arrival during its period of validity may request adequate compensation in accordance with the carrier's compensation arrangements. These arrangements shall state the criteria for determining delay in arrival and for calculation of compensation.

Compensation shall be calculated in relation to the price which the passenger actually paid for the delayed ferry service.

Where the transport is for a return journey, compensation for delay in arrival on either the outward or the return leg shall be calculated in relation to half of the price paid for the transport by that ferry service.

The compensation shall be paid within 1 month after the submission of the request for compensation. The compensation may be paid in vouchers and / or other services, provided that the conditions are flexible, particularly regarding the period of validity and the destination. The compensation shall be paid in money at the request of the passenger.

The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Carriers may introduce a minimum threshold under which payments for compensation will not be paid. This threshold shall not exceed 6 euros.

### **Exemptions (Article 20)**

Articles 17, 18 and 19 shall not apply to passengers with open tickets as long as the time of departure is not specified, except for passengers holding a travel pass or a season ticket.

Articles 17 and 19 shall 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.

Article 17(2) shall not apply where the carrier proves that the cancellation or delay is caused by weather conditions endangering the safe operation of the ship.

Article 19 shall not apply where the carrier proves that the cancellation or delay is caused by weather conditions endangering the safe operation of the ship or by extraordinary circumstances hindering the performance of the ferry service which could not have been avoided even if all reasonable measures had been taken.

### **Right to travel information (Article 22)**

Carriers and terminal operators shall, within their respective areas, provide passengers with adequate information throughout their travel in formats which are accessible to everybody and in the same languages as those in which information is generally made available to all passengers. Particular attention shall be paid to the needs of disabled persons and persons with reduced mobility.

### **Information on passenger rights (Article 23)**

Carriers, terminal operators and, when applicable, port authorities, shall ensure that information on the rights of passengers under this EU Regulation is publicly available on board ships, in ports, if possible, and in port terminals. The information shall be provided as far as possible in accessible formats and in the same languages as those in which information is generally made available to all passengers. When that information is provided particular attention shall be paid to the needs of disabled persons and persons with reduced mobility.

Carriers, terminal operators and, when applicable, port authorities, may use a summary of the provisions of this EU Regulation prepared by the Commission in all the official languages of the institutions of the European Union and made available to them.

Carriers, terminal operators and, when applicable, port authorities shall inform passengers in an appropriate manner onboard ships, in ports, if possible, and in port terminals, of the contact details of the enforcement body designated by the Member State.

### **Complaints (Article 24)**

Carriers and terminal operators shall set up or have in place an accessible complaint-handling mechanism for rights and obligations covered by this Regulation.

Where a passenger (or person / body acting on behalf of the passenger) covered by this EU Regulation wants to make a complaint to the carrier or terminal operator, he shall submit it within 2 months from the date on which the service was performed or when a service should have been performed.

Within 1 month of receiving the complaint, the carrier or terminal operator shall give notice to the passenger that his complaint has been substantiated, rejected or is still being considered. The time taken to provide the final reply shall not be longer than 2 months from the receipt of a complaint.

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(Comments received by midday on 4 December 2012 have been taken into account).