

# Passenger rights

## PROVISIONS SUMMARY RELATING TO THE PASSENGER RIGHTS

### WHO TRAVEL BY SEA AND INLAND WATERWAYS

The EU Regulation n. 1177/2010 relating to the rights of passengers traveling by sea and inland waterways applies from 18 December 2012, and provides for a minimum set of rights for passengers traveling:

with passenger services whose port of embarkation is located in a Member State;

- with passenger services operated by Union carriers from a port located in a third country to a port located in a Member State;
- with cruises whose port of embarkation is located in a Member State.

#### **Right to information**

All passengers traveling by sea or inland waterways have the right to receive adequate information for the entire duration of the trip, including the right to be informed about the rights of passengers, the details of the national enforcement bodies and the conditions of access to transport for people with disabilities or for people with reduced mobility.

In case of cancellation or delay of departure, passengers have the right to be informed of the delay or cancellation by the carrier or terminal operator, no later than 30 minutes after the scheduled departure time, and of the departure time and expected arrival as soon as this information is available.

**Right to non-discriminatory contractual conditions** All people who purchase tickets for navigation services have the right to not be discriminated directly or indirectly based on their nationality or the place of establishment of the carrier or ticket seller in the Union.

#### **Right to attention and assistance**

In the event of a delay of more than 90 minutes compared to the scheduled departure time, or cancellation of a passenger service, or a cruise, passengers are offered free snacks, meals or drinks in a reasonable relation to the waiting time.

In the event of cancellation or delayed departure which necessitates a stay of one or more nights, the carrier offers free of charge adequate accommodation, on board or ashore, and transport between the port terminal and the place of accommodation.

If the carrier proves that the cancellation or delay is caused by weather conditions that jeopardize the safe operation of the ship, it is released from the obligation to offer accommodation free of charge.

The passenger is not entitled to the carrier's assistance if informed of the cancellation or delay before purchasing the ticket, or if the cancellation or delay is caused by the passenger himself.

### **Right to alternative transport and refund in case of cancellation or delay in departure**

In the event of a delay of more than 90 minutes from the scheduled departure time or the cancellation of a passenger service, passengers can choose between:

- alternative transport to the final destination on similar terms, as soon as possible and at no extra charge;
- refund of the ticket price and, where appropriate, free return to the first point of departure indicated in the transport contract, as soon as possible.

### **Right to request partial economic compensation of the ticket price in case of delay on arrival at the final destination.**

Passengers can request an economic compensation equal to 25% of the ticket price if the delay on arrival at the final destination exceeds:

1 hour, in regular service up to 4 hours;

- 2 hours, in a regular service of more than 4 hours, but not exceeding 8 hours;
- 3 hours, in a regular service of more than 8 hours, but not exceeding 24 hours;
- 6 hours, in a regular service longer than 24 hours.

Passengers can request an economic compensation equal to 50% of the ticket price if the delay on arrival at the final destination exceeds:

2 hours, in regular service up to 4 hours;

- 4 hours, in a regular service of more than 4 hours, but not exceeding 8 hours;
- 6 hours, in a regular service of more than 8 but not exceeding 24 hours;
- 12 hours, in a regular service longer than 24 hours.

The carrier is however relieved of the obligation to pay economic compensation to passengers in case of delay on arrival if it proves that the delay is caused by weather conditions that jeopardize the safe operation of the ship, or by extraordinary circumstances that hinder the execution of the passenger service, which could not reasonably be avoided.

### **Rights of people with disabilities and people with reduced mobility**

In addition to the general rights of passengers, persons with disabilities and persons with reduced mobility, when traveling with navigation services, enjoy the following rights which offer them access to transport on an equal footing with other passengers

1. **a) Right of access to transport for people with disabilities and for people with reduced mobility, without discrimination.**

A carrier, travel agent or tour operator cannot refuse to accept a reservation, provide a ticket or embark a person for disability or reduced mobility reasons.

If it is not possible to bring a disabled person or a person with reduced mobility on board for safety reasons or for impossibility of boarding due to the design of the ship or to the infrastructure and equipment of the port, the carriers, travel agents and tour operators must make all reasonable efforts to offer the person concerned an acceptable transport alternative.

If persons with disabilities and persons with reduced mobility who have reservations and have notified the carrier of their specific needs are still denied boarding, they can choose between the right to reimbursement and alternative transport, this the latter subject to compliance with safety obligations.

Carriers, travel agents and tour operators cannot ask people with disabilities or people with reduced mobility to pay a higher price for reservations or tickets. Reservations and tickets are offered to people with disabilities and people with reduced mobility on the same conditions as all other passengers.

Carriers and terminal operators provide non-discriminatory access conditions for the transport of people with disabilities and people with reduced mobility and the people who accompany them.

#### 1. **b) Right to special assistance**

Carriers and tour operators provide free assistance to people with disabilities and people with reduced mobility in ports and on board, even during boarding and disembarking.

Persons with disabilities and persons with reduced mobility must notify the carrier, at the time of booking or advance purchase of the ticket, of their specific needs for accommodation, the seat, the services requested or the need to carry medical devices . For any other type of assistance, people with disabilities and people with reduced mobility must notify the carrier or the terminal operator at least 48 hours in advance, and arrive at a designated place at the agreed time, in advance of the time published on the boarding pass.

#### 1. **c) Right to compensation for loss or damage to mobility equipment**

If the carrier or terminal operator is the cause, through its own fault or negligence, of the loss or damage of mobility equipment or other specific equipment used by people with disabilities or by persons with reduced mobility, he must offer the corresponding people a corresponding compensation the replacement value of the equipment in question or, where applicable, repair costs.

### **Right to transmit complaints to carriers and national enforcement bodies**

Passengers can send a complaint to carriers and terminal operators within 2 months from the date on which the service was provided or should have been provided.

Carriers and terminal operators must have a complaint handling mechanism.

In this context, within one month of receiving the complaint, the carrier or the terminal operator must notify the passenger if he believes that the complaint is justified, rejected, or if it is still being examined.

We must definitively reply to the passenger within 2 months of receiving the complaint.

Passengers can submit complaints to the national enforcement bodies for alleged infringements of EU regulation no. 1177/2010.

### **Guarantee of passenger rights by national enforcement bodies and related mechanisms**

In the Member States, the designated national bodies are responsible for the execution of the rights and obligations contained in EU Regulation no. 1177/2010 with regard to passenger services and cruises from ports located in its territory, and passenger services from a third country to these ports.

If a Member State has decided to exclude passenger transport services under public service contracts or integrated services from the scope of the Regulation, it will have to ensure that a similar mechanism is in place to protect the rights of passengers.