

Report to Partnership Meeting – 4th February 2011

EUROPEAN

European Parliament Passenger Rights Legislation - Ferry

Regulation (EU) No 1177/2010

Purpose of Report

The report updates Members on recent developments at the European Parliament that will increase passengers' rights when using public transport. The report aims to summarise the new consumer protection as it will apply to passengers travelling by maritime and inland waterway transport.

Background

In July 2010 the European Parliament approved new rules (Regulation (EU) No 1177/2010) that will reimburse or reroute ferry passengers if a ferry is more than 90 minutes late. The new rules come into force from December 2012. These rules are an amendment to Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

The purpose of the legislation is to ensure the same high level of protection is available to passengers travelling by maritime and inland waterway transport that is comparable with other modes of transport. This aims to ensure full account is taken of consumer protection in general.

Disability

The regulation states that disability may not be used as a reason for denying a passenger the right to board. Free assistance must be provided to disabled people in ports, on condition that the carrier or the port operator is notified when the reservation is made or at least 48 hours before boarding. This will also apply to cruise passengers.

Compensation for Disruption and Delay

Ferry passengers suffering significant delays will be entitled to compensation of 25% of the ticket price, rising to 50% for long delays. If delays mean a passenger has to spend the night in a hotel, the ferry operator will have to pay for hotel and meals. In addition, the European Parliament has decided that disabled people should receive free assistance at ports.

Timescale and Future Steps

These rules will enter into force in 2012. All passenger boats carrying over 12 passengers come under the rules, with some exceptions such as for excursion and sightseeing tours. Boat passengers will have more rights than currently stipulated under EU law for air passengers, as in the latter case there is no compensation for flight delays (only for cancellations).

In addition to this the European Parliament has begun the process of developing further legislation for tightening passenger rights when travelling by plane, long distance bus or train.

Full details of the Regulation can be accessed from the Official Journal of the European Union at the following website link:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:334:0001:0016:EN:PDF>

Effect of Regulation in Scotland

The full effect of the Regulation on passenger rights for ferry passengers will only be known once the Department for Transport issue guidance to operators in the UK and to the Scottish Government on how this Regulation will apply in the UK.

There is a possibility that exclusions could apply for public service operating contracts such as the Northern Isles and Clyde & Hebrides Ferry Services contracts. Many of the terms and conditions of travel on services operated under these contracts already afford similar protection to passengers as that being formalised through the EU Regulation although the requirement to offer compensation and meet accommodation costs of affected passengers would have an impact on the contract costs.

There will be an exemption where weather conditions are the key factor in any service disruption.

Recommendation

1. Members are asked to note the report.

Author: Ranald Robertson
Designation: Partnership Manager
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