

# Maritime Passenger Rights

## Requirements for Port Terminal Operators and Port Authorities

Information on the provisions of the EU Regulation concerning the rights of passengers when travelling by sea and inland waterway (Regulation (EU) No. 1177/2010)

Department of Transport, Tourism and Sport

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

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## **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.

### **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. It is recommended, if the Regulation applies to your service, port or terminal, that you read the full text of the Regulation, which is available at: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2010:334:SOM:EN:HTML>

In addition to general information on the Regulation, this document contains a list of sample Questions and Answers to help terminal operators and/or port authorities understand what is required of them under the Regulation. Separate Information Notes have been prepared for carriers (ship operators) and passengers and are available upon request.

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**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).

**The Regulation does not apply to passengers travelling on:**

- Ships certified to carry up to 12 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.

## Key Points

1. Terminal Operators<sup>1</sup>, and where applicable port authorities, must ensure that **information on the rights of passengers** under the Regulation is publically available in port terminals<sup>2</sup>, and if possible in ports<sup>3</sup>, and as far as possible the information shall be available in accessible formats<sup>4</sup>.
2. Terminal Operators shall provide **assistance free of charge to disabled persons and persons with reduced mobility** in ports subject to certain conditions outlined in Article 11 of the Regulation. Terminal Operators (and carriers) shall **designate a point inside or outside a port terminal** at which disabled persons or persons with reduced mobility can announce their arrival and request assistance.
3. Terminal Operators whose port terminal handled a total of more than 100,000 commercial passenger movements during the previous calendar year shall set **quality standards in respect of the assistance to be provided to disabled persons and persons with reduced mobility** in accordance with Article 13 of the EU Regulation and these standards shall be made publically available in accessible formats.
4. 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 person or person with reduced mobility **if the fault lies with the terminal operator**.
5. Terminal Operators **must set up and have an accessible complaint-handling mechanism for rights and obligations covered by this Regulation**. **Passengers have two months from the date of an event to submit a complaint** and must receive a final reply within two months from the receipt of the complaint.
6. **Where appropriate Terminal Operators shall establish disability-related instruction or training for relevant staff.**

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<sup>1</sup> **Terminal Operator** means a private or public body in the territory of a Member State responsible for the administration and management of a port terminal.

<sup>2</sup> **Port Terminal** means a terminal, staffed by a carrier or a terminal operator, in a port with facilities, such as check-in, ticket counters or lounges, and staff for the embarkation or disembarkation of passengers travelling on passenger services or on a cruise.

<sup>3</sup> **Port** means 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.

<sup>4</sup> **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.

7. Terminal Operators may have obligations **in the event of cancellation or delayed departure of a passenger service**. Whilst primarily a matter for the carrier<sup>5</sup> (ship operator), passengers must be informed 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.
8. A new or existing Body will be assigned **responsibility for the enforcement of the Regulation and the Body may act as an appeals body for complaints**. In Ireland this Body is the **National Transport Authority**.

### **Exemptions**

- A) The right to transport for a disabled person or a person 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 feasible 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).
- B) Without prejudice to Directive 2006/87/EC<sup>6</sup> and to Directive 2009/45/EC<sup>7</sup>, **nothing in the Regulation shall be understood as constituting technical requirements imposing obligations on terminal operators or other entities to modify or replace infrastructure, ports or port terminals.**

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<sup>5</sup> **Carrier** means 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.

<sup>6</sup> DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC

<sup>7</sup> DIRECTIVE 2009/45/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 May 2009 on safety rules and standards for passenger ships

**The following is a list of Questions and Answers to help you understand what is required of you under this Regulation.**

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

**Answer**        The following types of ships 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 do I need to supply to passengers?**

**Answer**        Information on the rights of passengers under the Regulation must be made publically available in accessible formats in port terminals and, if possible, in ports. Particular attention shall be paid to the needs of disabled persons and persons with reduced mobility.

Additionally, you need to have in place non-discriminatory “access conditions” for the transport of disabled persons and persons with reduced mobility. “Access conditions” means relevant standards, guidelines and information on the accessibility of port terminals including the facilities for disabled persons or persons with reduced mobility.

The “Guidelines for Accessible Maritime Passenger Transport” (Department of Transport/National Disability Authority 2010) may be of assistance to you in drawing up such conditions. These are available to download free from the Maritime (Publications) Section of the Department of Transport, Tourism and Sport website [www.dttas.ie](http://www.dttas.ie)

**Question**      **What type of assistance am I required to provide to passengers?**

**Answer**        Subject to your access conditions, the assistance to be provided to passengers is specified at **Appendix 1 to this Information Note**.

Terminal Operators, within their area of competence, must provide assistance free of charge to disabled persons or persons with reduced mobility on notification that assistance is needed. The specific assistance required should normally be notified to the carrier, or the terminal operator, by any means available including electronic means or SMS at the latest 48 hours in advance of travelling, unless a shorter timeframe is agreed. The assistance should, if possible, be adapted to the individual needs of the disabled person. Terminal Operators (and carriers, travel agents and tour operators) must take all reasonable measures necessary for the request and receipt of notification at all points of sale including sale by telephone and over the internet.

Where no advance notification of the need for assistance is made, carriers and terminal operators shall, nonetheless, make all reasonable efforts to provide it.

Terminal Operators (and carriers) shall designate a point inside or outside a port terminal at which disabled persons or persons with reduced mobility can announce their arrival and request assistance. The designated point must be clearly signposted and offer basic information, in accessible formats, about the port terminal and assistance available.

**Question**      **Am I required to set quality standards for the provision of assistance for my passenger service?**

**Answer**        A terminal operator operating a port terminal with a total of more than 100,000 commercial passenger movements during the previous calendar year is required to set quality standards within the terminal operator's area of competence for the assistance specified in **Appendix 1 to this Information Note** and must, where appropriate, determine resource requirements for meeting those standards, in co-operation with organisations representative of disabled persons or persons with reduced mobility.

The quality standards must be publicly available in hard copy or on the internet, and in accessible formats.

Similar provisions apply to carriers operating port terminals or passenger services that have more than 100,000 commercial passenger movements during the previous calendar year.

**Question**      **What kind of training is required for my staff?**

**Answer**        Where appropriate, terminal operators must establish disability related training procedures, including instructions, for their staff, and the staff of any party operating on their behalf as set out in **Appendix 2 to this Information Note**.

Personnel providing direct assistance to disabled persons and persons with reduced mobility must have disability awareness and disability assistance training or instruction as set out in **Appendix 2 (A) and (B)**.

Personnel involved in the reservation and selling of tickets or embarkation and disembarkation must have disability awareness training or instruction as set out in **Appendix 2(A)**.

It is also a requirement that all staff maintain their skills through instructions or refresher training courses when appropriate.

**Question      What am I required to do in case of cancelled or delayed departures?**

**Answer**      Issues relating to cancelled or delayed departures are primarily a responsibility of the carrier; however, where appropriate, terminal operators shall-

- Inform the passenger of the situation as soon as possible and in any event no later than 30 minutes after the scheduled time of departure.
- Inform the passenger of the estimated departure and arrival time as soon as that information is available.

All information must be made available in accessible formats.

If a passenger misses a connecting transport service due to a cancellation or delay, reasonable efforts must be made to inform the passenger of alternative connections.

**Question      Compensation - how does this apply to me?**

**Answer**      Issues relating to compensation in the event of cancelled or delayed departures are a matter for the carrier.

However, terminal operators are potentially liable for the loss of / damage to mobility or other specific equipment used by a disabled person or a person with reduced mobility. See the table below for details of the types of compensation that arise under the Regulation.

<b>Compensation for and/or replacement of Mobility and Other Specific Equipment</b>		
<b>Loss Suffered by Passenger</b>	<b>Type of Compensation Terminal Operator Liable for</b>	<b>Temporary Replacements</b>
Loss of mobility equipment or other specific equipment if the incident which caused the loss was due to the fault or neglect of the terminal operator.	Replacement value of equipment concerned	Every effort must be made to provide as soon as possible suitable temporary replacement equipment
Damage to mobility equipment or other specific equipment if the incident which caused the damage was due to the fault or neglect of the terminal operator.	Costs relating to repairs	Every effort must be made to provide as soon as possible suitable temporary replacement equipment



**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.

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

([www.nationaltransport.ie](http://www.nationaltransport.ie) / Tel. 01 879 8300)

**Question**      **What happens if I don't comply with the requirements of the Regulation?**

**Answer**      S.I. No. 394 of 2012 specifies the penalties that apply for failure to comply with the requirements of the Regulation/directions of the National Transport Authority.

**Question**      **What is the complaints procedure?**

**Answer**      The Regulation requires terminal operators to set up or have in place an accessible complaint handling mechanism for rights and obligations covered by the Regulation.

Passengers wishing to make a complaint arising from the Regulation may do so to the terminal operator concerned within 2 months from the date on which the service was performed or when a service should have been performed.

Within one month of receipt of a complaint from a passenger, the terminal operator must notify the passenger that his/her complaint has been substantiated, rejected or is still being considered.

A final reply must be provided within 2 months of receipt of the complaint.

If a passenger is dissatisfied with the reply from the terminal operator and the complaint is not resolved, the passenger may appeal to the National Enforcement Body (in Ireland the National Transport Authority).

Similar obligations are imposed on carriers.

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

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

# Appendix 1

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

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1. Assistance and arrangements necessary to enable disabled persons and persons with reduced mobility to:
  - communicate their arrival at a port terminal<sup>8</sup> or, if possible, a port<sup>9</sup> 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.

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<sup>8</sup> **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.

<sup>9</sup> **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.

### Disability-Related Training, including Instructions

#### (Annex IV of Regulation No. 1177/2010)

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##### A. Disability-awareness training, including instructions

Disability-awareness training, including instructions, includes:

- ❖ awareness of and appropriate responses to passengers with physical, sensory (hearing and visual), hidden or learning disabilities, including how to distinguish between the different abilities of persons whose mobility, orientation or communication may be reduced,
- ❖ barriers faced by disabled persons and persons with reduced mobility, including attitudinal, environmental/physical and organisational barriers,
- ❖ recognised assistance dogs, including the role and the needs of an assistance dog,
- ❖ dealing with unexpected occurrences,
- ❖ interpersonal skills and methods of communication with people with hearing impairments, visual impairments or speech impairments and people with a learning disability,
- ❖ general awareness of IMO guidelines relating to the Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons' needs.

##### B. Disability-assistance training, including instructions

Disability-assistance training, including instructions, includes:

- ❖ how to help wheelchair users make transfers into and out of a wheelchair,
- ❖ skills for providing assistance to disabled persons and persons with reduced mobility travelling with a recognised assistance dog, including the role and the needs of those dogs,
- ❖ techniques for escorting passengers with visual impairments and for the handling and carriage of recognised assistance dogs,
- ❖ an understanding of the types of equipment which can assist disabled persons and persons with reduced mobility and a knowledge of how to carefully handle such equipment,
- ❖ the use of boarding and debarking assistance equipment used and knowledge of the appropriate boarding and debarking assistance procedures that safeguard the safety and dignity of disabled persons and persons with reduced mobility,
- ❖ understanding of the need for reliable and professional assistance. Also awareness of the potential of certain disabled persons and persons with reduced mobility to experience feelings of vulnerability during travel because of their dependence on the assistance provided,
- ❖ knowledge of first aid.