

Obligations of travel agents and tour operators under Regulation 1177/2010 on passenger rights when travelling by sea and inland waterway as from 18 December 2012

Ref: CR10-155/9441 Final

Who	Obligations	Scope
General provisions		
TA + TO	Where the performance of the obligations under this Regulation has been entrusted to a performing party, the person who entrusted such obligations shall be liable for the acts and omissions of that performing party, acting within that party's scope of employment.	Passenger services and cruises
TA + TO	The performing party shall be subject to the provisions of this Regulation with regard to the obligations entrusted	
Undetermined	Obligations pursuant to this Regulation cannot be waived or limited, in particular by a derogation or restrictive clause in the transport contract	
Rights of and assistance to Persons with Reduced Mobility (PRMs)		
TA + TO	Prohibition to charge additional cost or impose conditions for reservation and issuance of tickets to PRMs	Passenger services and cruises
TA + TO	Prohibition to refuse to accept a reservation, issue a ticket or to embark a PRM on grounds of disability / reduced mobility, unless <ul style="list-style-type: none"> - To meet safety requirements established by law / competent authorities or - 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 PRMs in a safe or operationally feasible manner Requirement to inform PRM of specific reasons for refusing reservation, issuance of ticket or embarkation of the PRM	
TA + TO	In the event a PRM is refused the reservation or issuance of a ticket for above reasons, reasonable efforts should be made to propose an acceptable alternative passenger service or cruise operated by the carrier	
Undetermined	Where a PRM, who holds a reservation or has a ticket and has notified his specific needs (with regard to accommodation, seating, services required or need to bring medical equipment) at moment of reservation or advance purchase of the ticket, is nonetheless denied embarkation on basis of this Regulation, that person and any accompanying person required by the carrier or tour operator shall be entitled to: <ul style="list-style-type: none"> - Reimbursement and where relevant a return service to the first point of departure at the earliest opportunity OR - Re-routing to the final destination at no additional cost and under comparable conditions. 	Passenger services and cruises Exception: Right to reimbursement also applies to passengers whose journey form part of a package, except for the right to reimbursement where such right arises under Directive 90/314/EEC
TA +TO	Where strictly necessary and under conditions set out above (safety requirements and where the	Passenger services and

	design of the ship makes it impossible to carry a PRM) it is possible to require a PRM to be accompanied by another person	cruises
TA + TO	Such accompanying person shall be carried free of charge on passenger services	Passenger services
TA + TO	Requirement to inform PRM of specific reasons for refusing to accept reservation, issue ticket, refuse embarkation or require an accompanying person. On request these reasons must be notified in writing.	Passenger services and cruises
TO	Make available the non-discriminatory access conditions applying to the transport of PRMs and accompanying persons travelling as part of a travel package	
TA + TO	Ensure that all relevant information, including online reservation and information, concerning the conditions of carriage, journey information and access conditions is available in an appropriate and accessible formats for PRMs. Persons needing assistance shall receive confirmation of such assistance by any means available.	
TA + TO	Put in place measures necessary for the request for and receipt of notification of assistance requirements of PRMs in ports and on board ships and their specific needs (as regards accommodation, seating, services required or the need to bring medical equipment) at all points of sale, including by telephone and via internet	
	Obligation to transfer the notifications to the carrier or terminal operator without delay	
	Obligation to provide PRMs with confirmation of such assistance notification	

Definitions:

- Travel agent = any retailer acting on behalf of a passenger or a tour operator for the conclusion of transport contracts;
- Tour operator = an organiser, or retailer, other than a carrier, within the meaning of Article 2(2) and (3) of Directive 90/314/EEC;
- Disabled persons and Persons with Reduced Mobility (PRMs) = 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;
- Passenger services = means a commercial passenger transport service by sea or inland waterways operated according to a published timetable;
- Cruise = a transport service by sea or inland waterway, operated exclusively for the purpose of pleasure or recreation, supplemented by accommodation and other facilities, exceeding two overnight stays on board

Scope:

- The Regulation applies to passenger services:
 - Where the port of embarkation is situated within the EU, and
 - Where the port of embarkation is situated outside the EU and the port of disembarkation is situated within the EU, provided that service is operated by an EU carrier.
- The Regulation applies partially (not all provisions, see table) to cruises where the port of embarkation is situated within the EU
- The Regulation does not apply to passengers travelling on ships certified to carry up to 12 passengers, ships with a crew less than 3 persons or where the transport distance is less than 500 meters, nor to excursions and sightseeing tours other than cruises, or on ships propelled by mechanical means as well as historical passenger ships designed before 1965, built predominantly with the original materials certified to carry up to 36 passengers.
- Exemptions: Member States may exempt:
 - Ships of less than 300 gross tons operated in domestic transport for a period of two years.
 - Passenger services covered by public service obligations /contracts or integrated services.