

**Rights of passengers travelling by sea and inland waterway
(Regulation (EU) N° 1177/2010)**

Republic of Cyprus National Enforcement Body Report 2017

(Report covering the period 1st January 2015 to 31st December 2016)

Article 26 of Regulation (EU) N° 1177/2010 provides that

"By 1 June 2015 and every 2 years thereafter, the enforcement bodies designated pursuant to Article 25 shall publish a report on their activity in the previous two calendar years, containing in particular a description of actions taken in order to implement the provisions of this Regulation, details of sanctions applied and statistics on complaints and sanctions applied."

The Commission services drafted this template in order to help National Enforcement Bodies (NEB) to fulfil their obligation and in order to ensure the availability of comparable data for the upcoming evaluation of the Regulation by the Commission (see Article 29 of the Regulation).

In countries where several NEBs have been designated, a single coordinated reply would be appreciated.

1) Please specify when was the enforcement body(ies) fully operational in your country

The Department of Merchant Shipping (DMS) of the Republic of Cyprus , being a governmental entity of the Ministry of Transport , Communications and Works , which is independent of commercial interests, has been designated as the Cyprus national enforcement body to ensure compliance with the provisions of Regulation (EU) No 1177/2010 (hereinafter referred as "*the Regulation*"). For the implementation of the Regulation, the DMS has established in its internal structure a dedicated unit, the "Rights of Passengers when travelling by Sea Unit".

2) Distribution of tasks between different NEBs (if applicable)?

There is only one NEB in the Republic of Cyprus, the Department of Merchant Shipping (DMS).

3) Could you please indicate what are the powers of the NEB(s) in your country following a complaint? If applicable in your country, can the NEB enforce claims and offer redress ?

The DMS, as the competent body designated for the enforcement of *the Regulation*, is responsible for receiving complaints from any passenger about an alleged infringement of *the Regulation* and for providing the passengers with a substantiated reply to their complaint within a reasonable period of time. It should however be borne in mind that the DMS receives complaints only in cases when the passenger as a first step has submitted the complaint covered by the Regulation to the carrier or the terminal operator concerned.

The DMS does not act as an appeal body for complaints not resolved by the carrier or terminal operator as provided in Article 24 of *the Regulation*.

In view of the above, the DMS accepts only those complaints that have been first submitted to the carrier or terminal operator concerned and examines the alleged infringement following it up with the imposition of appropriate sanctions where necessary. The DMS does not engage in dispute settlement but limits its activities to the general enforcement of *the Regulation* (see in this respect DMS Circular No. 16/2014 posted on the DMS website, www.shipping.gov.cy, at the link of “Rights of Passengers when travelling by Sea”).

4) Statistics on complaint handling at carrier/terminal operator level and at NEB level:

Statistics at carrier/terminal operator level are not mandatory under Article 26 of the Regulation. However, it seems that, in general, very few complaints reach the NEBs in the waterborne sector. Statistics at carrier/terminal operator level would provide a better picture of the way the Regulation is implemented.

Carriers (optional)

Year	Number of complaints received by carriers	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint):	Number of complaints rejected by the carrier and appealed by the passenger	Comments (if any):
From 1 January 2015 to 31 December 2015	Not available			
From 1				

January 2016 to 31 December 2016	Not available			
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Terminal operators (optional)

Year	Number of complaints received by terminal operators	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint):	Number of complaints rejected by the terminal operator and appealed by the passenger	Comments (if any):
From 1 January 2015 to 31 December 2015	None	----	----	----
From 1 January 2016 to 31 December 2016	None	----	----	----

NEB(s) (mandatory)

If you provide only partial statistics, please justify.

Year	Number of complaints received by NEB(s)	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint):	Comments (if any). Please specify how many of the cases received were solved. If applicable, please indicate what happened to the unsolved cases (referral to Court, ADR alternative dispute resolution)?
From 1 January 2015 to 31 December 2015	None	----	----
From 1 January 2016 to 31 December 2016	None	----	----

In your Member State (please underline the correct answer):

- Passengers can always submit their complaint directly to the NEB, or
- Passengers are obliged to submit their complaints to the carrier/terminal operator first, and they can only submit a complaint to an NEB if they are not satisfied with the solution offered by the carrier/terminal operator

Do you use a complaint form at national level (please underline the correct answer)?:

- No
- Yes (if yes, please provide a copy of this form to the Commission if different from the Commission template).

The Passengers Complaints form is available on the DMS website, www.shipping.gov.cy, at the link of "Rights of Passengers when travelling by Sea". The Form is different from the Commission template.

Did you transfer any complaints to NEBs of other Member State? If yes, how many complaints?

Not such a case occurred yet.

4) Information and statistics on penalties (Article 28 of the Regulation):

Year	Number of penalties imposed:	Types of penalty (in case of fines, what were the amounts imposed):	Reason for imposing the penalty (which provision of the Regulation was breached) :
From 1 January 2015 to 31 December 2015	None	----	----
From 1 January 2016 to 31 December 2016.	None	----	----

Among the penalties listed in the above table, how many were imposed following a complaint and how many were imposed at the NEB(s) own initiative?

Not applicable.

Which body(ies) imposed the penalties ?

Not applicable .

Regarding relevant penalties, Cyprus national legislation, namely *the Implementation of European Community Regulations and European Community Decisions Law of 2007* (Law 78(I)/2007 as its First Schedule amended by P.I. 195/2015) provides for a mechanism of imposition of administrative fines in case of infringement of certain provisions of the Regulation. The amounts of the administrative fines that may be imposed per specific infringement (the amounts vary from Scale 3: 1.708 euro to Scale 5: 17.086 euro) are described in the DMS Circular No. 13/2015 (said Circular posted on

the DMS website, www.shipping.gov.cy, at the link of “Rights of Passengers when travelling by Sea”).

5) Other actions taken in order to ensure the correct application of the Regulation:

How do you monitor that carriers, terminal operators, ticket vendors etc. respect the Regulation (e.g. do you organise inspections)?

At the present stage due to the budgetary restrictions imposed upon the Cyprus civil service since the banking crisis and bail out in 2013, there are not available resources for carrying out relevant inspections. The DMS is currently considering the design-preparation of an appropriate **monitoring questionnaire** to be regularly addressed to the stakeholders under monitoring.

Do you cooperate with organizations representing carriers, passengers, disabled people or consumers, consumer authorities or other national authorities ? (if yes, please specify)

Originally back in June and July 2014 the DMS addressed several letters to the Cyprus Consumers Association, the Cyprus Confederation of Organizations of the Disabled, the Association of Cyprus Travel Agents and the Cyprus Shipping Association informing them in detail about the provisions of the Regulation, the scope of application of the Regulation and the responsibilities of the carriers, travel agents, the port authorities etc.

Furthermore, the Department of Merchant Shipping, issued Circulars informing the organizations involved about the Regulation (see DMS Circulars No. 16/2014, No. 4/2015, No. 13/2015 posted on the DMS website, www.shipping.gov.cy , at the link of “Rights of Passengers when travelling by Sea”).

Do you cooperate with NEBs in other Member States (if yes, please specify how) ?

Until now the DMS as NEB, did not face any case of cooperation with NEBs of other Member States.

Have you taken any action to disseminate information about sea and inland waterway passenger rights? (If yes, please specify)

The “Unit for Passengers Rights when travelling by Sea” has been established in the Department of Merchant Shipping.

The Department of Merchant Shipping has issued three relevant Circulars dated 30 June 2014 , 13 January 2015 and 15 June 2015 (Circulars No. 16/2014 , No. 4/2015, No. 13/2015 posted on the DMS website, www.shipping.gov.cy , at the link of “Rights of Passengers when travelling by Sea”), which were addressed to all organizations involved (registered owners ,managers and representatives of passenger ships flying the Cyprus flag; owners ,managers , agents of passenger ships irrespective of flag calling at Cyprus Ports; Cyprus Shipping Association; Association of Cyprus Travel Agents; Cyprus Consumers Association; and Cyprus Confederation of Organizations of the Disabled)

informing them about the establishment of the Unit as well as the rights of passengers when travelling by sea arising from the Regulation 1177/2010.

In particular, DMS Circular No. 13/2015 dated 15 June 2015, informed the organizations involved about the introduction of a mechanism of imposition of administrative fines, in case of infringement of certain provisions of the Regulation.

Furthermore, a summary of the provisions of the Regulation, as well as the *Passengers Complaint Forms*, both in Greek and English language, are posted on the website of the Department of Merchant Shipping, www.shipping.gov.cy, at the link of "Rights of Passengers when travelling by Sea".

How has Article 9 of the Regulation on access conditions for disabled persons or persons with reduced mobility been implemented in your country ?

With regard to the obligations of terminal operators under Article 9 of the Regulation and their implementation, the passenger Terminal at Limassol port has been equipped with relevant infrastructure i.e wheelchairs and ramps, in order to accommodate disabled persons or persons with reduced mobility. Access/trafficking to any other areas within the port is forbidden.

With regard to the obligations of carriers, travel agents and tour operators under Article 9 of the Regulation and their implementation, no relevant information is currently available. In order to facilitate collection of relevant information, as we already stated above, the DMS is currently considering the design-preparation of an appropriate **monitoring questionnaire** to be regularly addressed to the stakeholders under monitoring.

6) General information on the environment in which the Regulation is applied in your Member State:

Could you briefly describe the sea and inland waterway market in your Member State? (If you have any data on the number of operators falling under the Regulation, the volume of passengers transported, please specify.)

Due to the geographical characteristics of the island of Cyprus there is no an inland waterway market in Cyprus.

Regarding sea transportation of passengers the following data is available for the reporting period

The two main Ports in the Republic of Cyprus open to international navigation¹ where passenger and cruise vessels are calling are the Port of Limassol and the Port of Larnaca.

¹ It is recalled that an Order of the Council of Ministers of the Republic of Cyprus issued on 3.10.1974 (P.I. 265/74) **declared the ports of Famagusta, Karavostasi and Kyrenia as closed for all vessels.** These restrictions were taken in order to uphold and maintain the sovereignty of the Republic of Cyprus over its

Vessels calls

At the port of Limassol , for the period from 1 January 2015 to 31 December 2016 there were 147 calls of passenger/cruise vessels flying a foreign flag and 78 calls of passenger/cruise vessels flying the Cyprus flag.

At the Port of Larnaca, for the period from 1 January 2015 to 31 December 2016 there were 72 calls of passenger/cruise vessels flying a foreign flag .

Passengers

At the **port of Limassol**, for the period mentioned above , there were 32789 Passengers In and 34158 Passengers Out and 120756 passengers in Transit ,from vessels flying a foreign flag.

At the **port of Limassol** ,for the period mentioned above , there were 28272 Passengers In and 27984 Passengers Out and 61 passengers in Transit, from vessels flying the Cyprus Flag.

At the **port of Larnaca** , for the period mentioned above , there were 689 Passengers In and 729 Passengers Out and 61793 Passengers in Transit, from vessels flying a foreign flag.

Passenger ships flying the Cyprus flag

During the reporting period there were 50 passenger ships registered in the Register of Cyprus Ships flying the flag of the Republic of Cyprus.

Articles 2(3) and 2(4) of the Regulation allow Member State to give exemptions from the application of the Regulation to domestic seagoing ships of less than 300 GT and to services covered by public service obligations/contracts. Please indicate whether your Member State has applied (one of) those exemptions and if so, please provide details.

Not applicable. In the present market of the ports of the Republic of Cyprus open to international navigation there are no cases for applying such exemptions .

7) Any other comment/information to be reported

None.

ports and harbors and due to the fact that safety of navigation could no longer be guaranteed in the areas illegally occupied by the Turkish Army since 1974.