

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

**Republic of Cyprus National Enforcement Body Report
covering the period 1st January 2021 to 31st December 2022**

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 Shipping Deputy Ministry (hereinafter "the SDM") of the Republic of Cyprus, established on 1st March 2018, pursuant to the provisions of relevant Law 123(I)/2017 (resulting from the transformation and renaming of former Department of Merchant Shipping (DMS)), 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 "the Regulation").

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

There is only one NEB in the Republic of Cyprus, the SDM.

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 SDM, 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 SDM 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 SDM 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 SDM 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 SDM does not engage in dispute settlement but limits its activities to the general enforcement of *the Regulation* (see in this respect [Circular No. 16/2014](#) posted on the SDM website, www.shipping.gov.cy).

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 2021 to 31 December 2021 | None | ---- | ---- | ---- |
| From 1 January 2022 to 31 December 2022 | 36 | <ul style="list-style-type: none"> • Delay (24) • Booking Services (5) • Toilets facilities (4) • Food and Beverage (3) | 7 (Delay) | 17 complaints for delay were refunded. |

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 2021 to 31 December 2021 | None | ---- | ---- | ---- |
| From 1 January 2022 to 31 December 2022 | 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 2021 to 31 December 2021 | None | ---- | ---- |
| From 1 January 2022 to 31 December 2022 | 1 | Delay of departure (more than 9 hours delay and request for compensation). | Only one complaint has been officially submitted to the SDM (national NEB), which has reviewed and examined it in accordance with the provisions of the Regulation. This case is considered as resolved/ closed. |

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 SDM website, www.shipping.gov.cy, at the dedicated link on its website (homepage) titled “Passenger rights/ Rights of passengers travelling by sea” (<https://www.dms.gov.cy/dms/shipping.nsf/all/95F1BEE67006682CC2258836003AB44C?opendocument>) .

The Form is different from the Commission template.

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

No such case has 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 2021 to 31 December 2021 | None | ---- | ---- |
| From 1 January 2022 to 31 December 2022 | 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 [SDM Circular No. 13/2015](#) (said Circular posted on the SDM website, www.shipping.gov.cy).

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)?

The personnel of the SDM carried out, between June 2022 to September 2022, frequent on the spot visits at the port of Limassol during the passengers' embarkation and disembarkation times of the RO-RO passenger ship 'DALEELA' which operated the route Limassol to Piraeus (Greece) and vice versa. This passenger maritime link commenced its operations in June 2022 and has been re-established after 21 years.

During the operation of the Cyprus-Greece passenger maritime link (June to September 2022), the SDM received emails, suggestions and/or comments from various passengers regarding the service, which all had been forwarded to the carrier for corrective measures.

Furthermore, an appropriate **monitoring questionnaire** to be annually addressed to the stakeholders under monitoring has been developed (**ANNEX**).

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 SDM 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, Circulars have been issued informing the organizations involved about the Regulation (see Circulars [No. 16/2014](#), [No. 4/2015](#), [No. 13/2015](#) posted on the SDM website, www.shipping.gov.cy, at the link of Info Center/Legislation/ "Rights of Passengers travelling by Sea").

Furthermore, an appropriate **monitoring questionnaire** to be annually addressed to the stakeholders under monitoring has been developed (**ANNEX**).

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

An official cooperation with NEBs in other Member States has not yet been required.

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

The SDM maintains and updates a dedicated link on its website (homepage) titled "Passenger rights/ Rights of passengers travelling by sea" (<https://www.dms.gov.cy/dms/shipping.nsf/all/95F1BEE67006682CC2258836003AB44C?opendocument>) through which the following are brought to the attention of the public:

- the full text of the Regulation;
- a summary of the provisions of the Regulation;
- the Role of the SDM as an Appeal Body;
- the Passengers Complaint Forms, both in Greek and English language and the method of submitting a complaint;
- the Cyprus National Enforcement Body Reports;
- the related SDM Circulars;
- useful links of the European Commission on EU passenger rights;
- information on the Cyprus Alternative Dispute Resolution (ADR) Body who can handle 1177/2010 complaints;
- useful links on EU ADR Bodies.

Three relevant Circulars dated 30 June 2014, 13 January 2015 and 15 June 2015 (Circulars [No. 16/2014](#), [No. 4/2015](#), [No. 13/2015](#)) have been issued 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 rights of passengers when travelling by sea arising from Regulation 1177/2010.

In particular, 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.

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.

In addition, the cruise passenger Terminal at Larnaca port it is equipped with facilities providing access to persons with reduced mobility (PRM) in order to ensure unobstructed entry, processing (security screening) and exit through this including access ramps and availability of wheelchairs in any case needed. The overall passenger process is taking place on Ground Floor with no need for moving along multiple floors. As for internal transportation, buses appropriately equipped are provided (outsourced) and movable access ramps for entering/exiting shuttle buses are available. Access to

areas of the port not related to cruise operation is not allowed for safety and security purposes.

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 SDM has developed an appropriate **monitoring questionnaire (ANNEX 1)**.

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 inland waterway market in Cyprus.

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

The three main Ports in the Republic of Cyprus open to international navigation¹ where passenger and cruise vessels are calling are the Port of Limassol, the Port of Larnaca and the newly built marina of Ayia Napa².

Vessels calls

At the **port of Limassol**, for the period from 1 January 2021 to 31 December 2021 there were 362 calls of passenger/cruise vessels (64 calls with passengers), whereas for the period from 1 January 2022 to 31 December 2022 there were 324 (164 calls with passengers).

At the **Port of Larnaca**, for the period from 1 January 2021 to 31 December 2022 there were 21 calls of passenger/cruise vessels.

At the newly built **marina of Ayia Napa**, from 1 May 2022 to 31 December 2022 there were 3 calls of passenger/cruise vessels.

Passengers

At the **port of Limassol**, for the period mentioned above, in total ,there were 248473 Passengers.

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 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.

²According to the Decree on Customs Ports of 2021 (P.I. 31/2021), the Ayia Napa marina is defined as a "Port of Limited Use", in which the limited use concerns the boarding and disembarking of cruise ship and pleasure craft passengers with their accompanied luggage.

At the **port of Larnaca**, for the period mentioned above, in total, there were 19261 Passengers.

At the newly built **marina of Ayia Napa**, for the period mentioned above, in total, there were 4549 Passengers.

Passenger ships flying the Cyprus flag

During the reporting period there were 54 passenger ships (of which 4 are passenger/cruise ships and 50 RO-RO 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

The figures of vessels calls and passengers at Ports of Limassol, Larnaca and the newly built Marina of Ayia Napa for the period 1 January 2021 to 31 December 2022, have increased significantly in comparison to the last 2-year period.

ANNEX

**Compliance Monitoring Questionnaire:
Maritime Passenger Rights EU Regulation 1177/2010**

EU Regulation 1177/2010 came into effect on the 18th December 2012. The objective of the Regulation is to ensure a high level of protection for passengers using waterborne transport anywhere in the EU, by establishing certain rights and a minimum quality of service across the EU.

(Please complete as applicable)

Section 1 Information

- a) What mechanisms do you have in place to ensure that passengers are provided with all relevant information before and during their journey, including information on ticket price, conditions of carriage, and any other journey specific information?

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- b) How do you provide information to your passengers in accessible formats (*i.e. formats allowing passengers to access the same information using, for example, text, Braille, audio, video and/or electronic formats*) if so requested?

Please provide details.

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- c) How do you provide passengers with information on access conditions to transport for disabled persons and persons with reduced mobility? This should include full details of accessibility for disabled passengers and passengers with reduced mobility on board ships and at ports/terminals. Please give details.

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d) In the event of cancellation or delay how do you inform the passengers at least 30 minutes after the scheduled time of departure or earlier if the information is available?

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e) What processes do you have in place to keep passengers regularly informed of all circumstances during the period of delay?

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f) How are passengers informed about alternative services, including services available through other carriers in cases of delay/cancellation?

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g) Outline your complaint handling process for passengers who feel that their rights under the legislation have been infringed?

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h) Have you taken any action (website, posters, leaflets, other) to inform passengers of their rights under EU regulation 1177/2010? Please specify.

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i) Do you refer the Shipping Deputy Ministry as the National Enforcement Body on website/literature concerning passenger rights?

Yes No

j) How do you inform passengers that they have a right to appeal to NEB, if dissatisfied with the response they receive in relation to a complaint?

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Section 2 Re-routing, Reimbursement and Assistance

a) Where a passenger service is cancelled or delayed for more than 90 minutes do you offer the passenger the choice between:

- i. Re-routing at the earliest opportunity and at no additional cost or
- ii. Reimbursement of the ticket price (to be paid in full within 7 days)

Yes No

How do you inform passengers of this choice?

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b) Do you have arrangements in place with other carriers in relation to re-routing? If so please specify.

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c) Do you provide snacks, meals, refreshments, proportionate to the length of the delay? Please give details on the process in place to do this.

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d) In cases of long delay do you provide accommodation either on board or ashore (Max. €80 per night)?

Yes No

Please outline the process of providing this for passengers.

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Section 3 Compensation

In accordance with Article 19 of the Regulation, passengers are entitled to compensation amounting to 25% of the ticket price where delay in arrival to the final destination exceeds
1 hour in the case of a scheduled journey up to 4 hours.
2 hours in the case of a scheduled journey of >4 hours but not exceeding 8 hours.
3 hours in the case of a scheduled journey of >8 hours but not exceeding 24 hours.
6 hours in case of a scheduled journey of >24 hours.
If the delay exceeds double the time set out above the compensation due increases to 50% of the ticket price.

a) In cases of long delay how do you notify passengers of their right to compensation according to the criteria listed above?

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b) What arrangements do you have in place to ensure passengers are paid all compensation due to them in cases of long delay within 1 month after the submission of the request for compensation as required by the Regulation?

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Section 4 Disabled Persons and Persons with Reduced Mobility

a) What information do you make available for passengers with specific assistance needs?

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b) In what formats do you make this information available?

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c) Please provide information on how signage at Port Terminals / on board ships meets the needs of disabled passengers.

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d) Do you provide assistance (free of charge) to disabled persons and persons with reduced mobility on embarkation, disembarkation and throughout the journey? Please give details of the assistance you provide.

Yes No

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e) What processes do you have in place for when a passenger with a disability or reduced mobility requests assistance?

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f) If a disabled person or person with reduced mobility requires an accompanying assistant, does the accompanying person travel free of charge?

Yes No

g) What is the advanced notification period required for disabled persons or persons with reduced mobility to request assistance?

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h) Do you offer a free method for disabled persons and persons with reduced mobility to notify you of their assistance requirements e.g., Free phone, website? Please give details.

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i) Do you have designated points of arrival for passengers requiring assistance?

Yes No

How passengers are made aware of these designated arrival points?

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j) What is your policy on the carriage of guide dogs / assistance dogs?

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k) Do you ensure that all mobility equipment is carried free of charge?

Yes No

l) Do you have mechanisms in place to provide compensation in cases where mobility equipment is lost or damaged? Please provide details.

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m) Do you provide a temporary replacement for mobility equipment in cases of loss or damage?

Yes No

n) What assistance is afforded to disabled persons and persons with reduced mobility in planning alternative transport for their journey (in cases where they are refused boarding due to safety concerns, inadequate infrastructure design or inadequate, lack of necessary equipment)?

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o) Do you provide disability awareness training to all your staff? If so, please outline details of training provided.

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p) How often does refresher training take place?

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