



REPUBLIC OF CYPRUS
MINISTRY
OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF
MERCHANT SHIPPING
LIMASSOL

Circular No. 16/2014

30 June 2014

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To all Registered owners, Registered bareboat charterers, Managers and Representatives of Passenger ships flying the Cyprus flag

To all Owners, Managers, Representatives and Agents in Cyprus of Passenger Ships, irrespective of flag they are flying, calling at Cyprus ports

*c/o Cyprus Shipping Chamber
c/o Cyprus Union of Shipowners
c/o Cyprus Shipping Association*

Association of Cyprus Travel Agents

Cyprus Consumers Association

Cyprus Confederation of Organisations of the Disabled

Subject: Implementation of 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

I refer to the above matter and in view of the application as from 18th December 2012 of *Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway*, you are hereby informed as follows:

1. *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* (hereinafter "*the Regulation*"), provides for a minimum set of rights of passengers travelling by sea and inland waterway. More specifically it establishes the right of passengers travelling by sea and inland waterways to assistance in cases of cancelled or delayed departures and lays down the right in certain circumstances to compensation in cases of delay in arrival. Furthermore *the Regulation* also aims to provide disabled persons and persons with reduced mobility with the same opportunities for maritime and inland waterway travel as the ones enjoyed by passengers in other transport sectors across the EU.



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2. *The Regulation* applies in respect of passengers travelling:

- (1) on passenger services where the port of embarkation is situated in the territory of a Member State of the European Union (Member State);
- (2) on passenger services where the port of embarkation is situated outside the territory of a Member State and the port of disembarkation is situated in the territory of a Member State, provided that the service is operated by a Union carrier (i.e. a carrier established within the territory of a Member State or offering transport by passenger services operated to or from the territory of a Member State);
- (3) on a cruise where the port of embarkation is situated in the territory of a Member State.

The Regulation, however does not apply in respect of passengers travelling:

- (1) on ships certified to carry up to 12 passengers;
- (2) on ships which have a crew responsible for the operation of the ship composed of not more than three persons or where the distance of the overall passenger service is less than 500 metres, one way;
- (3) on excursion and sightseeing tours other than cruises; or
- (4) on ships not propelled by mechanical means as well as original, and individual replicas of historical passenger ships, designed before 1965.

3. *The Regulation* imposes obligations on:

- (1) tour operators, travel agents and ticket vendors, offering transport by passenger services or cruises to the general public,
- (2) carriers (those persons offering transport by passenger services or cruises to the general public) and in some limited cases, the performing carriers,
- (3) terminal operators (private or public bodies in the territory of a Member State responsible for the administration and management of a port terminal), and
- (4) the port authorities.

4. *The Regulation* also imposes on the Member States specific obligations (Articles 25 to 28) including the following:

- (1) to designate a national enforcement body responsible for the enforcement of *the Regulation* as regards passenger services and cruises from ports situated on its territory and passenger services from a third country to such ports. Each body shall in its organisation, funding decisions, legal structure and decision making, be independent of commercial interests and shall take all the measures necessary to ensure compliance with *the Regulation*,
- (2) to designate a competent body to whom the passengers may submit complaints with respect to alleged infringements of the provisions of *the Regulation*. The said competent body may be the same as the national enforcement body responsible for the enforcement of *the Regulation* or any other competent body designated by the Member State. As provided in Article 25, a Member State may decide that the passenger as a first step shall submit the complaint to the carrier or terminal operator and/ or that the national enforcement body or any other competent body designated by the Member State shall act as an appeal body for complaints not resolved by the carriers or terminal operators.

5. In this respect, the Department of Merchant Shipping (DMS), being an entity which is independent of commercial interests, has been designated as the Cyprus national enforcement body to ensure compliance with the provisions of *the Regulation*.

The DMS, as the competent body designated for the enforcement of *the Regulation*, shall be 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 will receive 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 shall 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 shall accept only those complaints that have been first submitted to the carrier or terminal operator concerned and examine the alleged infringement following it up with the imposition of appropriate sanctions where necessary and the DMS will not engage in dispute settlement but will limit its activities to the general enforcement of *the Regulation*.

6. Complaints from any passenger about an alleged infringement of *the Regulation*, in the manner described in paragraph 5 above, must be submitted to the following address:

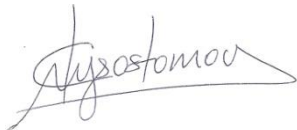
Director
Department of Merchant Shipping
P.O. Box 56193, 3305 Lemesos, Cyprus

Telephone: +357 25848100
Telefax: +357 25848200
E-mail: passengerrights@dms.mcw.gov.cy

7. In accordance with Article 23(2) of *the Regulation*, the European Commission has prepared a Summary of the provisions of *the Regulation* which is available at the following link:

http://ec.europa.eu/transport/themes/passengers/maritime/doc/summary_en.pdf

Further details as to the implementation of *the Regulation* will be given in new DMS Circulars and specific information on the Department's website www.shipping.gov.cy (select-click on *Rights of Passengers Travelling by Sea*).



Andreas I. Chrysostomou
Acting Director
Department of Merchant Shipping

cc: **Permanent Secretary, Ministry of Communications and Works**
Permanent Secretary, Ministry of Foreign Affairs
Permanent Secretary, Ministry of Energy, Commerce, Industry and Tourism
Director Competition and Consumers Protection Service (CCPS)
Cyprus European Consumer Center
Attorney General of the Republic
Diplomatic Missions and Honorary Consular Officers of the Republic
Maritime Offices of the Department of Merchant Shipping abroad
General Manager, Cyprus Ports Authority
Cyprus Bar Association
Cyprus Shipping Chamber
Cyprus Union of Shipowners
Cyprus Shipping Association