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EXECUTIVE SUMMARY OF THE EVALUATION

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

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Introduction

Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway ('the Regulation'), which entered into application in 2012, in particular aimed to reduce the negative impact of travel disruption on users of waterborne transport and protect the rights of passengers on waterborne transport services (some 225 million passengers in 2019, of which 99% were seaborne passengers). It created obligations for carriers, port-managing bodies, travel agents, tour operators and Member States and was intended to help create a level playing field for waterborne operators in the EU and a European standard of passenger rights. In line with the Commission's better regulation guidelines and the recent 'Sustainable and Smart Mobility Strategy', a full evaluation of the Regulation is now appropriate.

Purpose and scope of the evaluation

The purpose of the evaluation is to provide an insight into the Regulation's performance in order to assess whether it has achieved its objectives and to determine its overall intended and unintended impacts. The evaluation, which began in July 2019, is based on the collection and detailed analysis of published pan-European data covering the 2012-18 period, and information from industry and other affected groups. The evaluation scope covers the period until the start of the evaluation support study in February 2020. The findings of the evaluation therefore cannot consider fully the impact of COVID-19, although clear tendencies and stakeholder opinions are reflected. The geographic scope includes the 27 EU Member States, the United Kingdom, Iceland, and Norway.

Main findings

Effectiveness – Analysis of the progress made towards achieving the objectives

The Regulation created a unprecedented legal framework for the protection of passengers travelling by sea and inland waterway across the EU. However, there are gaps that undermine its effectiveness, as several provisions of the Regulation are not clearly defined. As regards the national enforcement bodies (NEBs), Member States have taken different approaches in their national law to meet the Regulation requirements and as a result the NEBs enforce the Regulation differently, for example in terms of conducting monitoring activities and imposing appropriate sanctions. In general, the NEBs receive a very low number of complaints from passengers, although the number is increasing. In addition, passengers are still not fully aware of their rights. For persons with disabilities and reduced mobility (PRM), the use of waterborne transport can be constrained by the physical inaccessibility of infrastructure and a lack of staff PRM awareness training. Further problems are connected to whether and to what extent passengers are provided with information during travel disruptions, and the use of digital technologies, which are not accessible for all passengers. Finally, the Regulation's effectiveness is undermined by the fact that it is does not contain rules specific to passengers travelling with their car. The findings of the analysis are affected by the relatively low availability of data on the implementation of the Regulation at NEB level, for instance as regards the precise number of

passengers benefiting from the Regulation, and the type and number of complaints from passengers to operators and how the complaints have been handled.

Efficiency – Costs and benefits of the EU intervention

Due to the limited availability of relevant data, assessment of the costs and benefits of the Regulation proved difficult and had to be estimated. While passenger representatives' views on the proportionality of the costs and benefits were mostly positive (the Regulation costing an estimated additional EUR 0.05 per passenger), carriers' views differed more. The individual costs and workloads of NEBs are relatively low, which may be linked to the very low number of complaints received (on average one complaint per million passengers) and to the fact that not all NEBs engage in proactive monitoring and enforcement activities. Benefits could be higher and simpler for passengers and carriers if all NEBs acted consistently in enforcing the legislation, e.g. performed similar monitoring activities or had similar sanction regimes.

Relevance – The objectives of the intervention are still relevant today

The original objectives of the Regulation remain highly relevant and broadly correspond to the current needs of passengers. No specific changes were observed in the EU waterborne market; however, the increased use of digital technology and the COVID-19-pandemic have resulted in a call for the provision of rapid and clear information to passengers. Increasing digitalisation has generally improved achievement of the objectives, although it may have led to a deterioration in the quality of service for passengers who cannot use digital technology. In general, the Regulation has improved the quality of service, but some areas for improvement remain. Overall, the evaluation has led to the conclusion that the issues identified at the time of the intervention was introduced would have persisted in the absence of the Regulation.

Coherence – Internal and external coherence of the intervention

In terms of internal coherence, no major issues were identified. The Regulation was found to be externally coherent with other EU acts on safety and security requirements, the liability of carriers in the event of accidents, the Package Travel Directive, and EU competition policy. However, there are minor inconsistencies with EU consumer policy and some inconsistencies between passenger rights in different transport modes, e.g. the compensation systems. Turning to international agreements, the Regulation is coherent with the UN Convention on the Rights of Persons with Disabilities, the relevant rules of the International Maritime Organisation and the external transport policy of the EU.

EU added value – Additional value resulting from EU interventions

The Regulation resulted in added value by introducing a consistent level of rights for passengers throughout the EU. Previously, only some Member States and Norway had national legislation granting passengers a similar level of rights as the Regulation. As a result, passengers travelling by waterborne transport have greater protection and higher confidence. The Regulation encouraged greater awareness of the support needed for PRM when travelling by sea or inland

waterways. Therefore, withdrawing the Regulation would be likely to dilute the level of rights offered.