



HELLENIC REPUBLIC

MINISTRY OF MARITIME AFFAIRS AND INSULAR POLICY

***Rights of passengers travelling by sea and inland
waterway***

Regulation (EU) 1177/2010

THE HELLENIC NATIONAL ENFORCEMENT BODY

ACTIVITY REPORT 2017

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1. INTRODUCTION

Under the provisions of Article 26 of Regulation (EU) 1177/2010, the National Enforcement Bodies (NEBs) of each EU Member State are required to publish a report on their activities in the previous two (02) calendar years.

The Ministry of Maritime Affairs and Insular Policy (MMAIP) is the designated National Enforcement Body for maritime passengers' rights in Greece. Since 2008 Greece has established, by Law 3709/2008 (Gazette A' 213/14-10-2008), an integrated national legislative framework on the rights of passengers travelling by sea defining simultaneously as National Enforcement Body (NEB) of the relevant legislation the former Ministry of Shipping, the Aegean and Island Policy (nowadays named as Ministry of Maritime Affairs and Insular Policy). With the introduction and application of Regulation (EU) 1177/2010, the Hellenic NEB was already fully operational taking all necessary steps to ensure full compliance of the existing national legislation for maritime passengers' rights with the requirements of EU Law.

2. THE HELLENIC NATIONAL ENFORCEMENT BODY

The MMAIP aims at fostering economic development and growth, securing social cohesion and safeguarding maritime safety, security and protection of the marine environment. The principal activities and responsibilities of the MMAIP are:

- Promotion and development of the Greek merchant shipping,
- Maritime employment, education and training,
- Maritime transportation,
- Maritime safety and Port State Control,
- Maritime security including prevention and suppression of trafficking and smuggling,
- Border control and maritime surveillance,
- Marine environmental protection,
- Search and rescue and accident response including investigation,
- Fisheries control,
- Supervision of port organisations,
- Development of sea tourism and cruise,
- Strategic planning and implementation of port policy.

The MMAIP is also the supervising governmental organization of the Hellenic Coast Guard (HCG), which is responsible for enforcing the rules of law on the sea, ships, ports and coastal areas and for the surveillance of sea borders.

3. THE MARITIME TRANSPORTATION MARKET IN GREECE

The maritime transportation market in Greece is fully liberalized and is open to the beneficiaries of Regulation (EEC) 3577/1992. It is split into two sectors, the domestic ferry market and the international ferry market.

DOMESTIC FERRY MARKET

The domestic ferry market includes the maritime transportation services from mainland Greece to the Greek islands as well as between the Greek islands. There are two types of domestic ferry services:

- Private commercial ferry services where there is no subsidy provided. These services are usually operated on a yearly basis.
- Ferry services subsidized by the government budget. These services are offered via Public Service Contracts (PSCs).

All the above ferry services are mainly provided by Greek flagged vessels and to a lesser extent by other EU flagged vessels. Information about the domestic ferry market during the period 2015-2016 is set out in the table below.

Table 1. Volume of domestic ferry transportation

Year	Number of passengers transported	Number of operators
2015	31.170.029	150
2016	31.430.421	164

INTERNATIONAL FERRY MARKET

The international ferry market includes mainly the ferry links between Greece and Italy. The international ferry services linking the ports of Igoumenitsa and Patras with the Italian ports of Brindisi, Bari, Ancona, Venice and Trieste, are operated throughout the year and on a daily basis and cater for thousands of passengers, private cars and cargo vehicles.

The following table provides figures on the volume of international ferry transportation at the above mentioned Greek ports during the years 2015 and 2016.

Table 2. Volume of international ferry transportation by port

Ports	Year	Number of itineraries	Passengers embarked	Passengers disembarked	Number of operators
Igoumenitsa	2015	3.299	389.646	404.636	6
	2016	3.716	399.625	422.265	6
Patras	2015	1.492	245.922	235.540	6
	2016	1.412	230.194	228.135	6

4. THE CRUISE SHIP SECTOR IN GREECE

The Greek cruise ship industry is currently undergoing a period of rapid expansion at a time when a lot of Greek islands are included among the most popular destinations worldwide. There are a number of ports which are used as stops of major cruise operators. However, the main ports that amass the biggest share of cruise arrivals are that of Piraeus, Santorini, Mykonos, Rhodes, Corfu and Heraklion. Piraeus is also used as an important hub cruise port. The table below provides information about the cruise sector in Greece.

Table 3. The Greek cruise industry in 2015 and 2016 in figures

Year	Number of cruise ships visits	Number of cruise passengers	Number of cruise ship operators
2015	4.247	4.814.845	53
2016	4.289	5.029.309	54

5. IMPLEMENTATION OF THE REGULATION (EU) 1177/2010

As the national legislative framework for maritime passengers' rights pre-existed the introduction of Regulation (EU) 1177/2010, the compliance of the provisions of the EU legislation was achieved with the necessary amendments to Law 3709/2008. Additionally, the Hellenic NEB has issued the Ministerial Decision Ref.No. 3332.12/05/13/14-06-2013 (Gazette B' 1453) and the Circular Ref.No. 3332.12/10/13/27-09-2013 which defined the framework of the complaint handling mechanism and the activities of all competent supervision offices.

Greece has not applied for any exemption from the application of the Regulation for passengers covered by public service obligations, public service contracts or integrated services (Article 2(4) of Regulation (EU) 1177/2010).

DELAYED OR CANCELLED MARITIME TRANSPORTATION SERVICES

On a daily basis, the Hellenic NEB supervises and monitors, via the regional HCG authorities, the timetables of ships departures and arrivals and is ready to enforce the relevant legislation. There are more than two hundred (200) Greek ports where local HCG authorities are situated. These regional offices have direct powers for the supervision and investigation of cases of violation of passengers' rights legislation, even those for which there is no passenger complaint.

ACCESSIBILITY AND ASSISTANCE FOR DISABLED PASSENGERS ON SHIPS

Regarding the facilities for disabled passengers or passengers with reduced mobility on ships, the application of the Regulation is checked via annual surveys prior to the issuance of Passenger Ship Safety Certificate, and additional extra inspections. The MMAIP has issued a series of legal provisions (Presidential Decrees 66/2005 and 44/2011, Circular Ref.No. 4338.35/01/06/16-05-2006) which ensure non-discriminatory access conditions on ships for disabled passengers or passengers with reduced mobility. In addition, the Hellenic NEB has recently issued Ministerial Decision Ref.No. 2311.8/34058/16/18-04-2016 which establishes a consultative body of experts for the examination of all practical issues related to the accessibility of disabled passengers on ferry ships.

ACCESSIBILITY AND ASSISTANCE FOR DISABLED PASSENGERS AT PORTS

As regards the facilities for accessibility of disabled persons or persons with reduced mobility at port areas, there is a regular supervision of port terminals infrastructure to ensure the implementation of the Regulation. The port terminal operators are obliged to take all necessary actions within the existing legislation for improving the accessibility conditions of disabled passengers at ports. Inside this framework, the Hellenic NEB has sent to all port terminal operators, relevant text port infrastructure specifications and instructions in cooperation with the National Confederation of Persons with Disabilities. It should be mentioned that during the last two years, the port terminal operators of the main Greek ports of Piraeus, Thessaloniki, Patras, Volos, Rafina and Lavrio, have implemented a number of projects to ensure the unhindered access of disabled persons to their port facilities. In addition, several joint training programs are being organized, in cooperation with the Association of Greek Ports (E.LIM.E.) and associations of disabled persons, as a further step to improve the level of assistance for passengers with disabilities at ports.

PENALTY SYSTEM

The MMAIP investigates and handles every complaint submitted by maritime passengers. In cases of violations of the Regulation and its related legislative framework, an integrated system of penalty rules is applied. The penalty rules range from recommendations, in cases of low significance, to fines. The amount of fines varies from thirty euros (30,00€) up to fifty thousand euros (50.000,00€). These fines are without prejudice to any other criminal or administrative sanctions that may be imposed for violations of other related legislation.

The Hellenic NEB has a continuous and close working cooperation with all the associations and organisations representing carriers, ship owners, consumers and persons with disabilities. Representatives of all the above stakeholders participate in the Coastal Shipping Transportation Council (CSTC), a consultative body, under the auspices of the MMAIP, for matters concerning the operations and the level of maritime transport services.

6. COMPLAINT HANDLING SYSTEM

The Hellenic NEB acts as an appeal body. Passengers are obliged to submit their complaint first to the carrier or terminal operator, and they can only submit their complaint to the MMAIP, if they have not received a response or they are not satisfied with the solution offered. The Hellenic NEB decides if the complaint is valid under the provisions of Regulation and in that case, conducts a full investigation. Passengers can submit their complaints in writing form, by e-mail or by filling the Passenger's Complaint Form, a one page form with details and instructions both in Greek and English language, which has been designed by the MMAIP for reasons of convenience. Copies of the Passenger's Complaint Form shall be available on ships, as well as at travel agencies and port authorities.

According to Article 25(3) of Regulation, the Hellenic NEB is in constant contact and cooperation with all the other EU Member States NEBs. In accordance with its competence, during the period 2015-2016, the MMAIP received three (03) complaints from the Austrian NEB and one (01) complaint from the German NEB, whilst, it transferred one (01) complaint to the competent Italian NEB.

7. STATISTICS ON COMPLAINT HANDLING

During the period 2015-2016 the Hellenic NEB received a total of one hundred twenty eight (128) complaints. The following table provides details of the complaints which were submitted at MMAIP for the above years (number, type and reason of complaint, result of the case).

Table 4. Statistical data of complaints submitted at NEB

Year	Number of complaints received by the Hellenic NEB	Reason for complaint	Comments
2015	41 (25 complaints were transferred to the carrier as first level handling / 16 complaints were handled at appeal level)	20 (delay), 17 (lack of information for delay), 12 (cancellation), 05 (lack of information for cancellation), 04 (carrier did not provide food or accommodation), 04 (lower compensation than that predicted), 02 (non accessible complaint handling mechanism by the carrier), 01 (carrier did not reply within two months).	28 complaint cases were solved, 12 complaints were confirmed as unfounded and 01 complaint was transferred to the Italian NEB
2016	87 (56 complaints were transferred to the carrier as first level handling / 31 complaints were handled at appeal level)	49 (delay), 30 (cancellation), 14 (lack of information for delay), 13 (lack of information for cancellation), 08 (loss of connecting transport service), 07 (carrier did not provide food or accommodation), 05 (lower compensation than that predicted), 03 (non accessible complaint handling mechanism by the carrier), 01 (carrier did not reply within two months).	68 complaint cases were solved while 19 complaints were confirmed as unfounded

With regard to the above statistical data it should be pointed out that a complaint case often includes more than one reason. Analyzing the statistical data of complaint cases submitted at the MMAIP, the following inferences are drawn:

- a) All the submitted complaint cases were related with transportation services and there was no complaint under the scope of the Regulation for cruise service.
- b) In most of the complaint cases related with claims of compensation, the carriers often offered compensation or other benefits of higher value than it was predicted by the legislation.

For the period 2015-2016, there was no complaint related to the lack of accessibility or assistance to disabled passengers or passengers with reduced mobility both on ships and at ports. Consequently, no complaint was submitted to port terminal operators.

Table 5. Statistical data of complaints submitted at port terminal operators

Year	Number of complaints received by port terminal operators	Reason for complaint	Comments
2015	0	---	---
2016	0	---	---

8. STATISTICS ON PENALTIES

During the period 2015-2016, the MMAIP imposed penalties on (06) complaint cases. All those penalties consisted of fines of total amount of two thousand four hundred and fifty euros (2.450,00€).

The table below provides details on the number of penalties imposed as well on each penalty justification and the provision of the Regulation which was breached.

Table 6. Statistical data on penalties

Year	Number and type of penalties imposed	In case of fines, amount of money imposed	Reason for imposing the penalty
2015	4 fines	Two thousand one hundred and fifty euros (2.150,00€)	2 fines (2×1.000,00€) for no re-routing and no compensation in case of cancellation (Articles 18(1) and 19(1) of Regulation / Article 10(3) of Law 3709/2008), ----- 1 fine (100,00€) for no response to passenger's complaint within two months

			(Article 24(2) of Regulation / Article 4(1) of Ministerial Decision Ref.No. 3332.12/05/13/14-06-2013), ----- 1 fine (50,00€) for no timely reimbursement (Article 18(3) of Regulation / Article 13(2) of Law 3709/2008)
2016	3 fines	Three hundred euros (300,00€)	1 fine (100,00€) for no response to passenger's complaint within two months (Article 24(2) of Regulation / Article 4(1) of Ministerial Decision Ref.No. 3332.12/05/13/14-06-2013), ----- 1 fine (100,00€) for no provided food in case of delay (Article 17(1) of Regulation / Article 6(2a) of Law 3709/2008) ----- 1 fine (100,00€) for no provided accommodation in case of delay (Article 17(2) of Regulation / Article 6(2b) of Law 3709/2008)

9. GUIDANCE AND DISSEMINATION

The official website of the Hellenic NEB (www.yen.gr) provides all necessary information and guidelines to passengers (legislation, info brochure, Passenger's Complaint Form). The same informative material is available at Hellenic Coast Guard official website (www.hcg.gr).

According to the existing legislation, standards of good conduct for carriers, ticket vendors and terminal operators have been defined. These standards are related to the mandatory placement of summarized information tables for passengers' rights on ships, as well as at travel agencies and port terminal areas. In addition, these tables should be available at ship reception halls in Braille language, after passenger's request, for blind persons or persons visually impaired.

The MMAIP, in partnership with the Consumers' Union of Greece, has designed a smart guidance brochure. Through twenty one (21) simple questions and answers, passengers can be informed about their rights when they travel by sea. Printed brochures are distributed by the HCG authorities on a regular basis at periods of high passenger traffic (Christmas and Easter holidays, weekends, summer, etc.).

The Hellenic NEB works closely with the independent authority of the Hellenic Consumer's Ombudsman, member of the European Consumer Centre (ECC), both in terms of resolving complaint cases and organizing information campaigns. On 22nd July 2016, at the port of Rafina, experts of the MMAIP and Hellenic Consumer's Ombudsman distributed information material on maritime passengers' rights and informed hundreds of passengers of how they can claim their rights.

INFORMATION LINKS

- <https://www.yen.gr/web/guest/dikaiomata-epivatou-stis-thalassies-metafores>
- <https://www.yen.gr/web/guest/dromologia>
- <https://www.yen.gr/web/guest/nomoi-pd-dikaiomata-epivatou-stis-thalassies-metaphores>
- <https://www.yen.gr/web/guest/ypapofaseis-dikaiomata-epivatou-stis-thalassies-metaphores>
- <http://www.hcg.gr/node/5151>