



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 2021-2022

Piraeus, July 2023

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The Hellenic National Enforcement Body

Activity Report 2023

1. INTRODUCTION

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

With the law 3709/2008 (Official Government Gazette A'213) "Rights-Obligations of passengers and carriers in maritime transport and other provisions", the legislative framework regarding the rights of passengers in maritime transport was established for the first time, simultaneously as National Enforcement Body (NEB) of the relevant legislation (nowadays named as Ministry of Maritime Affairs and Insular Policy). With the introduction and implementation of Regulation (EU) 1177/2010, the Hellenic NEB was already fully operational, taking all the necessary steps to harmonize the existing national legislation with the relevant requirements of EU Law.

In 2022, as part of the codification of the national maritime cabotage and passenger rights legislation, the provisions of Law 3709/2008 (A'213), as fully harmonized with Regulation (EU) 1177/2010, were incorporated into a consolidated text with subsequent amendments and published in the Government Gazette the law 4948/2022 (A'125) " Code of maritime cabotage legislation and passenger rights".

With the codification, the systematization of the entire regulatory framework is achieved, which concerns the provisions of Law 3709/2008 (A'213), which introduced regulations on the rights and obligations of passengers and carriers in regular passenger sea transport.

2. THE HELLENIC NATIONAL ENFORCEMENT BODY

The Ministry of Maritime Affairs and Insular Policy (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 organizations,
- Development of sea tourism and cruise,
- Strategic planning and implementation of port policy.

The Ministry of Maritime Affairs and Insular Policy (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 with the beneficiaries of Regulation (EEC) 3577/1992. It is split into two sectors, the domestic ferry market and the international ferry market.

3.1 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 2021-2022 is set out in the table below.

Table 1. Volume of domestic ferry transportation (2021 – 2022)

Year	Number of passengers transported
2021	24.665.917
2022	33.851.697

3.2 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, 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 2021 and 2022.

Table 2. Volume of international ferry transportation by port (2021 -2022)

Ports	Year	Number of itineraries	Passengers embarked	Passengers disembarked
Igoumenitsa	2021	3.566	299.537	328.598
	2022	3.124	382.742	413.548
Patras	2021	987	155.566	141.035
	2022	1117	201.845	177.480

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 2021 and 2022 in figures

Year	Number of cruise ships visits	Number of cruise passengers
2021	1.972	1.271.775
2022	4.597	4.161.065

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

As the national legislative framework for the rights of passengers in maritime transport existed before Regulation (EU) 1177/2010, the harmonization of the provisions of the Union legislation was achieved with the codification of Law 3709/2008 by incorporating its later amendments into a consolidated text.

Additionally, the Hellenic NEB has issued the Ministerial Decision Ref.No. 3332.12/05/13/ 14-06-2013 (Official Government 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(paragraph 4) of Regulation (EU) 1177/2010].

5.1 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.

5.2 ACCESSIBILITY AND ASSISTANCE FOR PASSENGERS WITH DISABILITIES OR REDUCED MOBILITY (PRMs)

The Hellenic NEB has issued the appropriate legislation related to the accessibility which ensures non-discriminatory access conditions to all the passengers. The Annual Action Plan of the Hellenic Ministry has set the goal of ensuring the accessibility of passengers with disabilities or reduced mobility PRMs in sea transport. Specifically, some of the actions are targeting to ensure accessibility at ships and ports, to secure the required financial incentives in order to carry out the required interventions and to publish the current state of accessibility of ships and ports.

5.2.1. ACCESSIBILITY AND ASSISTANCE FOR PASSENGERS WITH DISABILITIES OR REDUCED MOBILITY (PRMs) ON SHIPS

With regard to the facilities for passengers with disabilities or reduced mobility (PRMs) on ships, the application of the Regulation is controlled through the annual regular inspections for the issuance of Passenger Ship Safety Certificate, as well as through additional extra inspections.

5.2.2. ACCESSIBILITY AND ASSISTANCE FOR PASSENGERS WITH DISABILITIES OR REDUCED MOBILITY (PRMs) AT PORTS

As regards the facilities for accessibility of passengers with disabilities or reduced mobility (PRMs) 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 measures to continuously improve access conditions for passengers with disabilities at ports. In this context, the Hellenic NEB has sent written requirements and instructions to all port terminal operators. These requirements and instructions have been drawn up in collaboration with the National Confederation of Persons with Disabilities.

In 2022, Secretary General of Ports, Port Policy and Maritime Investment has recorded carried the existing accessibility infrastructure for the passengers with disabilities and reduced mobility in the port terminals (access conditions, the possibility of providing free assistance, the existence of a meeting point inside or outside the port terminals, etc.). It is noted that the above facilities have been posted at the Ministry's (MMAIP) website and on the Hellenic Coast Guard (HCG) website under the title "Port Accessibility for Persons with Disabilities & Reduced Mobility (PRMs)" where PRMs can find information related to the accessibility to Greek ports. Soon these pages will be translated in English.

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.

5.3 PENALTY SYSTEM

The Ministry of Maritime Affairs and Insular Policy (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 fifty euros (50,00€) up to sixty thousand euros (60.000,00€). 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 organizations 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 the Regulation and in that case, conducts a full investigation. Passengers can submit their complaints in written 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 convenience. Copies of the Passenger's Complaint Form must be available on ships, as well as at travel agencies and port authorities. Moreover, passengers have the possibility to appeal to the Hellenic Consumer's Ombudsman for an out-of-court settlement of their disputes. According to Article 27 of Regulation, the Hellenic NEB is in constant contact and cooperation with the other EU Member States NEBs and remain at their disposal in case is needed either to handle complaints due to a ship transportation between two or more EU Member States or to handle complaints from their citizens due to a ship transportation in our national territory.

7. STATISTICS ON COMPLAINT HANDLING

During the period 2021-2022, the Hellenic NEB received a total of two hundred and thirty-eight (238) passenger 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
2021	88 64 complaints were forwarded to the carrier at the first level of management / 03 complaints were forwarded to relevant port authorities/01 complaint was forwarded to a member state body/ 21 complaints were forwarded by relevant Port Authorities)	35 (delay), 18 (non-notification for delay), 12 (cancellation of itinerary), 02 (no notification for cancellation), 01 (carrier did not provide food or accommodation), 05 (non-refundable fare), 02 (non-compensation or incorrect compensation), 01 (no access & free assistance to passengers with mobility problems), 02 (passenger compensation from carrier for loss-damage of luggage) 03 (for reasons of accommodation and force majeure), 03 (cancellation of tickets-refund), 01 (delayed compensation), 02 (change tickets), 01 (inability to use tickets due to pandemic),	79 complaints were resolved, 03 complaints were judged unfounded, 06 complaints were not compensated by the carrier,
2022	118 83 complaints were forwarded to the carrier at the first level of management 35 complaints were forwarded by relevant Port Authorities)	53 (delay), 11 (non-notification for delay), 17 (cancellation of itinerary), 03 (no notification for cancellation), 01 (carrier did not provide food or accommodation), 01 (not forwarding a passenger to his destination), 04 (no access & free assistance to passengers with mobility problems), 01 (non-existence of a shared sanitary area for the disabled) 01 (the carrier did not respond within two months), 09 (for reasons of accommodation and force majeure), 13 (cancellation of tickets - refund), 01 (delayed compensation), 01 (change tickets), 01 (wrong fare charge to disabled persons), 01 (fare difference compensation),	86 complaints resolved, 32 complaints not compensated by carrier,

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 2021-2022, five (05) complaints were submitted regarding lack of accessibility or assistance to disabled passengers or reduced mobility on board.

Table 5. Statistical data of complaints submitted at port terminal operators (2021-2022)

Year	Number of complaints received by port terminal operators	Reason for complaint	Comments
2021	0	---	---
2022	0	---	---

8. STATISTICS ON PENALTIES

During the period 2021-2022, the MMAIP imposed penalties in ten (10) cases for 2021 with a total value of (€1250.00) and thirteen (13) penalties for the year 2022 with a total value of (€2455.00). The table below provides information on the number of penalties imposed, as well on each penalty justification for the penalty 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
2021	10 fines	One thousand two hundred and fifty euros (€1250.00)	A) LACK OF INFORMATION TO NOTIFY PASSENGER OF ITINERARY CANCELLATION. B) NO AVAILABILITY OF COMPLAINT SUBMISSION FORMS. C) LACK OF INFORMATION TO PLACE A PASSENGER'S RIGHTS BOARD IN A VISIBLE POINT AT THE MARITIME AGENCY D) NO RESPONSE AND UNTIMELY RESPONSE TO A PASSENGER COMPLAINT
2022	13 fines	Two thousand four hundred and fifty five euros (€2455.00)	A) FAILURE TO COMPLY WITH THE CARRIER'S OBLIGATION TO INFORM PASSENGERS OF A SCHEDULED ITINERARY DELAY B) DID NOT KEEP ORGANIZED RECEIVING AND RESOLVING SERVICES OR RESPONSE TO PASSENGER COMPLAINTS C) NON-REFUND OF ENTIRE FARE D) COMPANY'S FAILURE TO RESPOND TO A PASSENGER'S COMPLAINT WITHIN THE EXPECTED DEADLINE E) REFUSAL OF A SHIPPING AGENT TO ISSUE A REDUCED TICKET TO A PERSON WITH SPECIAL NEEDS F) NON-RESPONSE TO A PASSENGER COMPLAINT

9. GUIDANCE AND DISSEMINATION

The official website of the Hellenic NEB (www.ynanp.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.

INFORMATION LINKS:

- <https://www.ynanp.gr/el/gia-ton-polith/nomo8esia/nomothesia-dieuthynse-thalassion-synkointhalassion-synkoinonion/dths-nomoi-pd/nomoi-pd-dikaiomata-epibatwn-stis-thalasthalassies-metaphores/>
- <https://www.hcg.gr/el/gia-ton-polith/nomo8esia/nomothesia-dieuthynse-thalassion-synkointhalassion-synkoinonion-222/dths-nomoi-pd-223/nomoi-pd-dikaiomata-epibatwn-stis-thalasthalassies-metaphores-225/>
- <https://www.hcg.gr/el/gia-ton-polith/sas-endiaferiei/enhmerwtika-entypa-epibatwn/xarta-dikaiomatwn-epibatwn/>
- <https://www.ynanp.gr/el/gia-ton-polith/xrhsimes-plhrofories/>
- <https://www.hcg.gr/el/gia-ton-polith/koinwniko-ergo-draseis/prosbasimothta-limenwn-apo-atoma-me-anaphria-meiwmenh-kinhtikothta-amea/>
- <https://www.synigoroskatanaloti.gr/en/submit-complaint>