

Regulation on ship passengers' rights

What is the scope of the new regulations?

The regulations apply to transport by passenger ships and cruises.

Ships with a crew of not more than three persons are exempted. The purpose of this is to exempt small crossings and small island ferries where the ships do actually function as a kind of floating bridge between the island and the mainland.

Excursions and sightseeing (tour boats) will not be covered either.

What rights are acquired under the regulation?

General

In general, transporters and terminal operators are to provide the passengers with satisfactory information about the journey and about their rights.

Disabled persons

Within the frame of their respective areas of responsibility, transporters and terminal operators must provide free assistance to people with disabilities or reduced mobility, for example during embarkation and disembarkation and when on board the ship.

Delays and cancellations

In case of delays of more than 90 minutes, passengers departing from port terminals* (and thus not from small harbours) must be offered free refreshments or meals as is reasonable in relation to the waiting time provided that they are available or can be delivered on reasonable conditions.

In case of a cancellation or delayed departure requiring one or more overnight stays or a stay that is longer than what was intended by the passenger, the transporter must, to the extent physically possible, offer passengers departing from port terminals suitable free accommodation on board or ashore and transport from the port terminal to the place of accommodation and back in addition to the refreshments or meals. The transporter can limit the overall expenses for accommodation ashore to EUR 80 for three nights for each passenger. However, overnight stays are not to be offered if the delay is caused by weather conditions endangering safe navigation.

If a transporter expects a passenger voyage to be cancelled or departure from a port terminal* to be delayed by more than 90 minutes, the passenger must immediately be given a choice between:

- a) rerouting of the journey under comparable conditions to the final place of destination,
- b) refunding of the ticket price and, if relevant, a free return journey.

When a passenger voyage is cancelled or its departure from a port is delayed by more than 90 minutes, the passengers are entitled to such a rerouting of the journey or refunding of the ticket price from the transporter.

When is a passenger entitled to receive compensation?

Passengers who must expect delayed arrival can demand compensation of 25 per cent of the ticket price in case of a delay of at least:

- a) an hour in case of journeys scheduled to last up to four hours,

- b) two hours in case of journeys scheduled to last more than four hours, but less than eight hours
- c) three hours in case of journeys scheduled to last more than eight hours, but less than 24 hours, or
- d) six hours in case of journeys scheduled to last more than 24 hours.

If the delay exceeds double the time stipulated in paras a) to d), the compensation amounts to 50 per cent of the ticket price.

However, compensation is not paid if the delay is caused by weather conditions endangering safe navigation or unusual circumstances preventing passenger navigation.

In addition, there is a lower limit of EUR 6 (about DKK 6) for paying compensation.

When will the new regulations enter into force?

In about two years. The regulations will apply two years after their promulgation, i.e. they are expected to become effective from the autumn of 2012.

* A port terminal is a terminal manned by a transporter or a terminal operator in a port with facilities and personnel for embarking or disembarking passengers in connection with passenger voyages or cruises, such as checking-in, ticket counters or lounges.