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THE EUROPEAN UNION**

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**ADDENDUM TO "I/A" ITEM NOTE**

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from: General Secretariat of the Council  
to: COREPER/COUNCIL

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No Cion prop.: 11990/08 MAR 109 TRANS 466 CODEC 995

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Subject: Proposal for a Regulation of the European Parliament and the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (**second reading**)  
– Approval of the amendment of the European Parliament (**LA + S**)  
Statements

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**STATEMENT BY THE ITALIAN DELEGATION**

Italy notes that the text of the Regulation concerning the rights of passengers when travelling by sea and inland waterway adopted at second reading by Parliament departs substantially from the Council's common position of October 2009 on several points.

In particular, one cannot but note that as a result of the amendments, assistance obligations fall mainly in the maritime sector, while the inland waterway sector seems to have been largely excluded, rendering the purported aims of passenger protection in all sectors of Community transport quite meaningless.

Certain aspects of the Regulation cannot fail to have a negative impact on the national maritime sector, which is characterised by the requirements of territorial continuity with the larger and smaller islands in Italian territory, by the high number of small and medium-sized enterprises, by a complex arrangement of ports and islands and by flows that vary over the course of the year.

Although the Regulation represents an opportunity to raise the quality of Community maritime transport services in practice and to strengthen the rights of passengers travelling by sea or inland waterway, Italy underlines its dissatisfaction with certain aspects of the Regulation that do not take into account the specific structure of the Italian sector or that of other Community countries with a high number of small and medium-sized enterprises that are for the most part engaged in mixed transport of goods and passengers with cars, often of a seasonal nature, and that have already been ravaged by the recent crisis and are going through a difficult phase of restructuring (privatisation).

Causes for concern are the refusal to exclude expressly units exclusively or predominantly engaged in freight transport, with the result that the scope has been extended too far (to include vessels certified to carry over 12 passengers), the rigidity of certain measures on provision of assistance (which come into play in cases of delays of over 90 minutes after the scheduled departure time) and the failure to include exceptional circumstances to activate certain derogations for the provision of assistance: these measures will place considerable additional burdens on a sector already showing signs of decline.

The aspects referred to above are problematic, and the Regulation, in its most recent version, has lost clarity and applicability and has become an instrument that will place a considerable burden on the carriers concerned: the fact that it will be businesses that bear the direct and indirect costs arising from the application of the Regulation cannot be ignored or underestimated, as there is a real risk that many operators in the sector may be driven from the market, thereby reducing transport supply.

## STATEMENT BY THE GREEK DELEGATION

The Hellenic Republic fully and unequivocally supports the aims of the proposal for a Regulation concerning the rights of passengers when travelling by sea and inland waterways, which has special importance for shipping countries, such as Greece, particularly insofar as it strengthens and makes more effective the protection of the rights of the large numbers of passengers travelling each year.

However, the Hellenic Republic wishes to state that, in its opinion, the proposal for a Regulation should show greater balance between the fundamental rights of passengers, which it protects well, and the legitimate interests of sea carriers (especially small and medium-sized enterprises) which, in certain cases (force majeure, exceptional circumstances), incur excessive costs through no fault of their own.

In particular, the Hellenic Republic considers that the exemptions set out in Article 20, and especially in paragraph 3 thereof, should in addition include the obligation to provide accommodation (Article 17(2)) also in the event of extraordinary circumstances such as search and rescue operations, transport of sick persons, incidents involving the safety of the ship and passengers and coverage of emergency transport needs, which are crucial for the effective functioning of the very extensive Greek coastal network.

Considering the above, the Hellenic Republic calls on the European Commission to produce, as soon as possible, a study of the potential impact in the Member States and on carriers of transposition and implementation of the proposal for a Regulation.