

**Rights of passengers travelling by sea and inland waterway
(Regulation (EU) N° 1177/2010)**

NEBs activity reports for 2021-2022

1) Please specify when was the enforcement body(ies) fully operational in your country

Regulation 1177/2010 is implemented in the Dutch law, i.e the Wet handhaving consumentenbescherming. The Human Environment and Transport Inspectorate is the National Enforcement Body (NEB). The NEB was fully operational in the Netherlands on 18 December 2012.

2) Distribution of tasks between different NEBs (if applicable)

The Human Environment and Transport Inspectorate (the inspectorate) is the sole NEB since 18 December 2012.

3) Statistics on complaint handling at carrier/terminal operator level and at NEB level:

Carriers

| Year | Number of complaints received by carriers | Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint): | Number of complaints rejected by the carrier and appealed by the passenger | Comments (if any): |
|--------------------------|---|--|--|--------------------|
| 1-1-2021 - 31-12-2022 | unknown | | | |
| 1-1-2021 - 31-12-2022 | unknown | | | |

Terminal operators

| Year | Number of complaints received by terminal operators | Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint): | Number of complaints rejected by the terminal operator and appealed by the passenger | Comments (if any): |
|--------------------------|---|--|--|--------------------|
| 1-1-2021 - 31-12-2022 | unknown | | | |
| 1-1-2021 - 31-12-2022 | unknown | | | |

NEB(s)

| Year | Number of complaints received by NEB(s) | Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint): | Comments (if any). Please specify how many of the cases received were solved. If applicable, please indicate what happened to the unsolved cases (referral to Court, ADR alternative dispute resolution)? |
|--------------------------|---|--|---|
| 1-1-2021 - 31-12-2022 | 0 | | |
| 1-1-2021 - 31-12-2022 | 0 | | |

In your Member State (please underline the correct answer):

- Passengers can always submit their complaint directly to the NEB, or
- Passengers are obliged to submit their complaints to the carrier/terminal operator first, and they can only submit a complaint to an NEB if they are not satisfied with the solution offered by the carrier/terminal operator

Do you use a complaint form at national level (please underline the correct answer)?:

- No
- Yes (if yes, please provide a copy of this form to the Commission if different from the Commission template)

Did you transfer any complaints to NEBs of other Member States? If yes, how many complaints?

The inspectorate has received no complaints for other Member States.

4) Information and statistics on penalties (Article 28 of the Regulation):

The inspectorate has published general information concerning passenger's rights on its website. The branche-organization representing carriers (CBRB) has also given information about the regulation (on its website). The inspectorate has visited several ferry-companies. They have an own complaint system.

| Year | Number of penalties imposed: | Types of penalty (in case of fines, what were the amounts imposed): | Reason for imposing the penalty (which provision of the Regulation was breached) : |
|--------------------------|------------------------------|---|--|
| 1-1-2021 - 31-12-2022 | 0 | | |
| 1-1-2021 - 31-12-2022 | 0 | | |

Which body(ies) imposed the penalties ?

The inspectorate is the sole body which can imposes penalties.

5) Other actions taken in order to ensure the correct application of the Regulation:

The inspectorate has visited several ferry-companies. They have an own complaint system. Especially in 2021 during the corona pandemic the inspectorate received an increasing number of questions on this topic. The questions were related to the corona pandemic and not to a possible breach of regulation 1177/2010. Reference has often been made in writing or by telephone to a complaint procedure that a shipping company must have (article 24 EU 1177/2010) in case of a breach of regulation 1177/2010. In cases related to the corona pandemic, such as cancellations, vouchers and /or refunds, there is referred to Commission Recommendation (EU) 2020/648 and the EU website.

6) General information on the environment in which the Regulation is applied in your Member State:

Terminals and Merchant shipping

In the Netherlands there are three major terminals. 118 cruise ships will visit Amsterdam in 2022. 75 Cruise ships will visit Rotterdam in 2022; in IJmuiden it concerns about 46 cruise ships in 2022. The cruise market in the Netherlands was an increasing market until the start of the corona pandemic, from the second half of 2022 the numbers were back on the 2020 level. At this moment 37 cruise ships and 8 ferries sailing under Dutch flag fall under the scope of the regulation.

Inland waterway transport

River cruises and ferries fall under the scope of the regulation if the crew responsible for the operation of the ship is composed of more than three persons. This means that about 150 river cruise ships registered in the Netherlands fall under the scope of the regulation. It also concerns and 9 ferries to the Dutch islands registered in the Netherlands.

Exemptions

Exemptions do not apply in the Netherlands.

7) Any other comment/information to be reported

The Inspectorate has received no complaints. This seems to be in line with the experience of the year 2020.