**Activity report of Slovenia**

**Regulation (EU) 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway**

**Year of 2021 and 2022**

# **Information on the national system**

*Introduction to the national system.*

*The information could include the following:*

* Name of the NEB
* Description of the tasks of the NEB
* Powers and organisation of the NEB (links and hierarchy with the current administration)
* Are there several NEBs in your Member State? If yes, how are the tasks stipulated in the Regulation are distributed between them?

The Slovenian national authorities acquired the monitoring powers with the entry into force of the Regulation implementing Regulation (EU) 1177/2010 on the rights of passengers when travelling by sea and inland waterway (Official Journal of the Republic of Slovenia, No 49/13) on 8 June 2013.

In Slovenia, the Market Inspectorate of the Republic of Slovenia and the Maritime Administration of the Republic of Slovenia share control. The tasks are divided between them by the Regulation on the implementation of Regulation 1177/2010.

The Maritime Administration of the Republic of Slovenia is designated as the competent authority for the tasks referred to in Article 9(1) and (2) and Articles 13 and 14 of Regulation 1177/2010/EU.

In accordance with the above, the Slovenian Maritime Administration carries out the inspections of carriers and terminal operators regarding:

* non-discriminatory access conditions for the transportation of disabled persons and persons with reduced mobility and accompanying persons,
* appropriate public availability of the terms of access in the relevant languages,
* appropriate setting and publication of quality standards for assistance to disabled persons and persons with reduced mobility,
* qualifications of the personnel of carriers and terminal operators regarding disabilities,

and handles passengers' complaints related to infringements in the above-mentioned areas.

The Market Inspectorate of the Republic of Slovenia is designated as the competent authority for the tasks referred to in Articles 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 22, 23 and 24 of Regulation 1177/2010/EU.

Market Inspectorate carries out inspections in respect of:

- non-discrimination between passengers and the conditions of carriage provided by carriers,

- non-discrimination and assistance to disabled persons and persons with reduced mobility,

- the rights of passengers in the event of cancellation or delay of travel; and

- the minimum information to be provided to passengers.

* What are the resources of the NEB (staff and budget)?

Market inspectorate:

* + staff: 1 person (partially),
  + budget: no extra budget.

Slovenian Maritime Administration:

* + staff: 1 person (partially),
  + budget: no extra budget.
* Significant national legislation update on that matter (if yes, please elaborate and give the Official Journal’s **reference and link**)? (Article 28 of the Regulation)

The Decree for the enforcement of the Regulation 1177/2010 concerning the rights of passengers when travelling by sea and inland navigation (Official Gazette RS, No. 49/2013) entered into force on 8 June 2013, and have not changed to this day.

* Has the implementation of the Regulation in the national law created case law? (State **the issues addressed** in those texts and provide **links and references** to it).

No.

# **Maritime market**

Available data on the current maritime transportation market (volume of domestic ferry transportation; volume of international ferry transportation by port; national cruise ship sector…).

A descriptive text on e.g. the market, seasonal fluctuations, subsidized markets and descriptions of main routes and ports could be supported by the below tables.

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| --- | --- | --- | --- |
| **Table 1 – Volume of domestic passenger journeys by port –** | | | |
| **Port** | **Year** | **Passengers embarked** | **Passenger disembarked -** |
| **Port X** | **2021** | N/A | N/A |
| **2022** | N/A | N/A |
| **Port Y** | **2021** | N/A | N/A |
| **2022** | N/A | N/A |

\* Slovenia has **no domestic ferry transportation.**

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| **Table 2 – Volume of international passenger journeys by port\*** | | | |
| **Port** | **Year** | **Passengers embarked\*\*** | **Passenger disembarked\*\*** |
| **Port SIPIR** | **2021** | 889 | 896 |
| **2022** | 14601 | 14041 |
| **Port SIKOP** | **2021** | 0 | 0 |
| **2022** | 0 | 0 |

\* Slovenia has **no international ferry transportation.**

\*\*valid for passenger ships, **except ferries**

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| **Table 3 – Volume of cruise passengers\*** | | | |
| **Port** | **Year** | **Number of cruise ship visits\*** | **Number of cruise passengers\*\*** |
| **Port SIPIR** | **2021** | 6 | 383 |
| **2022** | 10 | 2264 |
| **Port SIKOP** | **2021** | 11 | 4451 |
| **2022** | 65 | 72627 |
| **\* Slovenia has no registered cruise ships under its flag.**  **\*\* valid for passengers in transit.**   |  |  | | --- | --- | | **Table 4 - List of main carriers** currently operating | | | 1. N/A | 4. | | 2. | 5. | | 3. | 6. |   On sea waterway market there are few local harbours for excursion and sightseeing tour boats and vessels, not falling under the scope of the Regulation (see Table 1). Except in Port of Piran some high-speed crafts, not registered under the Slovenian flag, have transported passengers on the route between Italy, Slovenia, and Croatia during the summer season in 2021 and in 2022 (see Table 2) and some cruise ships at anchorage only (see Table 2 under “Port SIPIR”).  Luka Koper as a large commercial port operates a passenger terminal with only foreign cruise ships calling with passengers in transit (see Table 3 under “Port SIKOP”) and occasionally some pleasure yacht.  On inland waterway market there are only embarkation and disembarkation facilities for excursion and sightseeing tour boats and vessels, not falling under the scope of the Regulation (see Table 1)**.** | | | |

1. **Complaint handling process**

*A description of the complaint mechanism implemented*

Topics to be addressed:

* Does the NEB handle individual complaints?

Yes, when receiving consumer information

* Can the passenger submit their complaint directly to the NEB?

Passenger are obliged to submit their complaints to the carrier/terminal operator first, and they can only submit a compliant to Slovenian NEB’s if they are not satisfied with the solution offered by the carrier/terminal operator or if the passenger has not received a final answer within two months of submitting the complaint.

* Is it possible to **settle passengers' complaints via alternative dispute resolution**? If yes, please specify how it works (Which body? Which process?).

The consumer may only initiate an alternative, out-of-court dispute resolution with the out-of-court consumer dispute resolution provider only after a previous failed attempt to resolve the dispute directly with the provider of goods or services directly to the out-of-court consumer dispute resolution provider, which can be chosen from the list of out-of-court consumer resolution providers.

Resolving passengers' complaints using alternative dispute resolution is not possible for the areas defined in the Article 9(1) and (2) and Articles 13 and 14 of Regulation 1177/2010/EU, for which the Slovenian Maritime Administration is designated as the competent authority.

* If a NEB takes a decision based on a complaint, **will this decision be binding for the carrier, terminal operator or port**?

Yes, decision will be binding for the carrier, terminal operator or port, when decision becomes final.

* Does the NEB use a complaint form? (Provide link or annex)

No, there is no forma, but there are instructions published on the website<https://www.gov.si/zbirke/storitve/prijava-krsitve-pravic-potnikov/>

* Are the passengers in general aware of their complaint possibilities?

Yes, with published instructions on the website<https://www.gov.si/zbirke/storitve/prijava-krsitve-pravic-potnikov/>

* Has there been any action from the NEB to inform passengers on their complaint possibilities?

Both authorities inform passengers via a website: <https://www.gov.si/zbirke/storitve/prijava-krsitve-pravic-potnikov/>

Additionally Slovenian Maritime Administration monitors that the appropriate information are also published on the website of the terminal operators and carriers.

1. **Complaint statistics**

A description of the nature of received complaints and an analysis of potential patterns. Should include **statistics on complaints** in accordance with Article 26 of Regulation (EU) 1177/2010. If possible, complaints submitted to carriers and terminal operators.

Both NEB’s over the implementation of the Regulation, did not conduct any proceedings under that Regulation (EU) 1177/2010 as it had not received any notification.

Questions that could be answered:

* Has there been special **events** that have generated complaints such as. strikes, major weather events…)?

No.

* Did you **reattribute any complaints to NEBs of other Member State**?

No.

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| Table 5 – Statistical data of complaints submitted to the National Enforcement Body | | | | | | | | | |
|  | Total number of complaints | Reason for complaint | | | | | | | Comments |
| Accessibility and information (Article 9) – | Right to assistance (Article 10) – | Compensation of mobility equipment or other specific equipment (Article 15) | Assistance in the event of cancelled or delayed departures (Article 17) | Re-routing and reimbursement in the event of cancelled or delayed departures (Article 18) | Compensation in the event of delay in arrival (Article 19) | Other |
| From 1 January to 31 December 2021 | 0 | / | / | / | / | / | / | / |  |
| From 1 January to 31 December  2022 | 0 | / | / | / | / | / | / | / |  |

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| Table 6 – Statistical data of complaints submitted to terminal operators | | | | | | | | | |
|  | Total number of complaints | Reason for complaint | | | | | | | Comments |
| Accessibility and information (Article 9) | Right to assistance (Article 10) | Compensation of mobility equipment or other specific equipment (Article 15) | Assistance in the event of cancelled or delayed departures (Article 17) | Re-routing and reimbursement in the event of cancelled or delayed departures (Article 18) | Compensation in the event of delay in arrival (Article 19) | Other |
| From 1 January to 31 December 2021 | 0 | / | / | / | / | / | / | / |  |
| From 1 January to 31 December  2022 | 0 | / | / | / | / | / | / | / |  |

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| Table 7 – Statistical data of complaints submitted to carriers | | | | | | | | | |
|  | Total number of complaints | Reason for complaint | | | | | | | Comments |
| Accessibility and information (Article 9) | Right to assistance (Article 10) | Compensation of mobility equipment or other specific equipment (Article 15) | Assistance in the event of cancelled or delayed departures (Article 17) | Re-routing and reimbursement in the event of cancelled or delayed departures (Article 18) | Compensation in the event of delay in arrival (Article 19) | Other |
| From 1 January to 31 December 2021 | 0 | / | / | / | / | / | / | / |  |
| From 1 January to 31 December  2022 | 0 | / | / | / | / | / | / | / |  |

1. **Sanctions and penalties**

**Information on the procedure to impose the sanction and penalty**

Article 28 of Regulation (EU) 1177/2010 provides that “The Member States **shall lay down rules on penalties applicable to infringements of the provisions of this Regulation and shall take all the measures necessary to ensure that they are implemented**. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those rules and measures to the Commission by 18 December 2012 and shall notify it without delay of any subsequent amendment affecting them. A description of the national regime for penalties and sanctions and any amendments to the initial rules on this.

The penalties were established by the Decree for the enforcement of Regulation 1177/2010/EU concerning the rights of passengers when traveling by sea and inland navigation (Official Gazette RS, No. 49/2013), which entered into force on 8 June 2013, and have not changed to this day. Based on Article 6 of the mentioned Decree the Slovenian NEB’s may impose penalties on perpetrators in accordance with the below:

A carrier, travel agent, travel organizer or terminal operator who is a legal entity shall be fined between 2,000 and 30,000 euros for an offense if:

* does not issue a ticket to the passenger (first paragraph of Article 4 of Regulation 1177/2010/EU),
* the contractual terms and tariffs are offered on the basis of direct or indirect discrimination (second paragraph of Article 4 of Regulation 1177/2010/EU),
* refuses to accept a reservation, issue a ticket or board a passenger due to a disability or reduced mobility, or if he offers a reservation and a ticket with additional costs or under unequal conditions to other passengers (Article 7 of Regulation 1177/2010/EU),
* does not provide exceptions or special travel conditions to the passenger due to disability or reduced mobility (Article 8 of Regulation 1177/2010/EU),
* does not establish non-discriminatory access conditions for disabled persons or persons with reduced mobility (first paragraph of Article 9 of Regulation 1177/2010/EU),
* does not publicly publish the terms of access in physical form or on the Internet or upon request (second, third and fourth paragraph of Article 9 of Regulation 1177/2010/EU),
* does not provide free assistance to disabled persons and persons with reduced mobility (Articles 10 and 11 and Annexes II and III of Regulation 1177/2010/EU),
* does not take all measures related to notifications (Article 12 of Regulation 1177/2010/EU),
* does not set and publish quality standards for aid (Article 13 of Regulation 1177/2010/EU),
* does not specify training procedures regarding disability (Article 14 of Regulation 1177/2010/EU),
* in the event of cancellation or delay in departure, passengers are not notified in the prescribed manner (Article 16 of Regulation 1177/2010/EU),
* does not provide assistance in case of cancellation or delay (Article 17 of Regulation 1177/2010/EU),
* does not offer a change of route or reimbursement of costs in the event of cancellation or delay (Article 18 of Regulation 1177/2010/EU),
* does not pay the compensation for the ticket in the prescribed manner (Article 19 of Regulation 1177/2010/EU),
* does not provide passengers with adequate information about travel and passenger rights (Articles 22 and 23 of Regulation 1177/2010/EU),
* does not have an established mechanism for processing passenger applications (Article 24 of Regulation 1177/2010/EU).

2. A fine ranging from 5,000 to 50,000 euros shall be imposed on a legal person that is considered a medium-sized company according to the law governing commercial companies in case they commit a minor offense referred to as stated in point 1.

3. A fine ranging from 10,000 to 80,000 euros shall be imposed on a legal person that, according to the law governing commercial companies, is considered a large commercial company, in case they commit a minor offense referred to as stated in point 1.

4. A fine ranging from 1,500 to 15,000 euros shall be imposed on an individual sole trader or an individual who perform independent activities in case they commit the minor offense referred to as stated in point 1.

5. A responsible person of such entities listed in points 1, 2, 3 and 4, who commits a minor offense referred to as stated in point 1 shall also be fined from 1,000 to 5,000 euros.

**Information and statistics on sanctions and penalties**

Information on sanctions and penalties imposed in the reporting period and potential corrections by carrier, port or terminal operator.

Analysis on the number of sanctions in comparison with other years

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| --- | --- | --- | --- |
| **Table 8 – Statistics on national sanctions and penalties inflicted** | | | |
|  | **Number of sanctions imposed** | **Type of sanction imposed** | **Penalty or fine amount** |
| **From 1 January to 31 December 2021** | 0 | / | / |
| **From 1 January to 31 December 2022** | 0 | / | / |

1. **Actions taken to implement and monitor the Regulation**

**Implementation and monitoring of Article 9 and 10 related to accessibility and information and right to assistance**

Explain how the NEB monitors the non-discriminatory access condition, as well as on the accessible information. Also describe how the right to assistance is implemented. E.g. through annual meetings, expert groups, or on-site monitoring? Does the NEB provide guidelines?

Does the NEB maintain a record of terminal and carrier web pages on the access requirements provided? Do you inspect terminals and vessels to ensure that these access requirements are physically posted and available to all?

What do you in particular look for when assessing accessibility of ports and vessels and information?

Did all carriers and terminal operators follow the requirements set out in Article 9 to a satisfactory level?

Market Inspectorate does not maintain a record of terminal and carrier web pages on the access requirements provided and has no information or reclamation that carriers and terminal operators do not follow the access rules and do not provide free assistance to disabled persons and persons with reduced mobility in ports. The provisions of Article 9 of Regulation 1177/2010/EU are monitored and implemented by Slovenian Maritime Administration, as follows:

Slovenian Maritime Administration is not designated as the enforcement body for the tasks stipulated in Article 10, but it is designated as the enforcement body for the tasks stipulated in Articles 9(1) and 9(2) of regulation 1177/2010/EU. Therefore, it implements and monitors the mentioned provisions. According to that, Slovenian Maritime Administration carries out the inspections of carriers and terminal operators and handles passengers' complaints related to infringements regarding non-discriminatory access conditions for the transportation of disabled persons and persons with reduced mobility, as well as accompanying persons. This also goes to the terms of access, which need to be publicly available in all the relevant languages.

Luka Koper is a large commercial port that operates a passenger terminal with cruise ships calling to which Regulation 1177/2010/EU applies. Only foreign cruise ships berth here and only passengers in transit are on board. In order to ensure non-discriminatory conditions of access, we met with representatives of the Luka Koper passenger terminal.

The operator of the passenger terminal in the Port of Koper has in place a non-discriminatory access condition for the transport of disabled persons and persons with reduced mobility as well as the accompanying persons. They have procedures in place to inform ship agents and carriers of the arrangements in place for this purpose. Upon the carrier’s request, they provide additional shore-based personnel for assistance to passengers with special needs. In addition, buses for the disabled and people with reduced mobility are available for passengers on shore excursions. Furthermore, appropriate information regarding the access conditions is also published on the websites of the operator of the passenger terminal.

We also carry out on-site monitoring at other smaller ports, when necessary, in the case of pre-season ship’s passenger transport announcements. In 2021 and 2022 only in the port of Piran some high-speed craft, not registered under the Slovenian flag, transported passengers on the route between Italy, Slovenia, and Croatia during the summer season. Slovenian Maritime Administration carried out the inspection on both, the vessels as well as the operator of the port.

It was established that the accesses to the mentioned vessels and the passages into the ship's spaces are suitable and that the vessels, within the framework of their technical capabilities, meet the criteria for the transportation of persons with reduced mobility. The vessels complied with the requirements regarding non-discriminatory conditions of access. They have put in place arrangements to ensure that they assist free of charge to disabled persons from their arrival announcement at the port to the seat on the ship and the same when disembarking. The same goes for accessing the toilet facilities and in other cases when disabled persons need help. In case of damage or loss, they also offer a temporary replacement of mobility equipment, particularly of a wheelchair.

The port of Piran has an appropriate waiting area with relevant markings for disabled persons, intended for people in wheelchairs. There is a bench, too, which is intended for people with reduced mobility without wheelchairs. Along with a toilet facility appropriate for their use. The information board states when the high-speed crafts voyages are scheduled. Relevant information on how they provide access conditions for disabled persons is published on the port’s website. During the seasonal time when transports are carried out, relevant information regarding the conditions of access is also published on the websites of the shipping agents and the shipping companies.

In general, carriers and terminal operators satisfactorily complied with the requirements set in Articles 9(1) and 9(2) of regulation 1177/2010/EU.

**Implementation and monitoring of Article 13 on quality standard for assistance**

Explain how the NEB monitors that terminal operators and carriers operating terminals or passenger services with a total of more than 100.000 commercial passenger movements have set quality standards and have determined resources for meeting those standards.

E.g. through annual meetings with operators, via desk-research or on on-site monitoring.

What does the NEB in particular look for when assessing the quality standards?

Did all carriers and terminal operators follow the article to a satisfactory level?

During the previous year or years, terminal operators and carriers operating terminals or passenger services did not have a total of more than 100.000 commercial passenger movements. Therefore, there has been no activity in this area.

**Implementation and monitoring of Article 14 on training and instructions**

Explain how the NEB monitors that disability-related training procedures, including instructions, are provided to the personnel, or any other third party, of carriers and terminal operators? Does the NEB have particular data on the given trainings?

What does the NEB in particular look for when assessing the training procedures?

Did all carriers and terminal operators follow the article to a satisfactory level?

Currently we are in the process of finalising a training program for assistance to persons with reduced mobility. Program is being prepared by the Slovenian Maritime Faculty in cooperation with organisations representative of disabled persons. It will be verified and approved by the Slovenian Maritime Administration. This training program will be basis for training of all persons in contact with persons with reduced mobility

**Implementation and monitoring of Article 16 and 17 on information and assistance in the event of a cancelled or delayed departures**

Explain how the NEB monitors that the passenger receives the information set for in accordance with Article 16.

How does the NEB ensure that sufficient assistance is provided in such circumstances?  
E.g. has the NEB provided guidance to NEBs? Has the NEB requested samples of the information?

Is the NEB aware of any problems carriers have faced when providing information or assistance?

During the reporting period, there were no reports of cancellation or delayed departure notifications and assistance in the event of cancellations or delays in departures. Therefore, there was no direct monitoring in this area. Monitoring would have been initiated in the event of a report or receipt of information of non-compliance with this provision.

**Implementation and monitoring of Article 23 on information on passenger rights**

Explain how the NEB monitors that the passenger receives information on their passenger rights. Has the NEB provided guidance on this? With which mean does the carrier, port or terminal operator inform? How is it ensured that the information is accessible? Does the NEB do inspections on this?

The NEB’s did not directly monitor but followed the available public information. Passengers' rights and instructions are published on https://www.gov.si/zbirke/storitve/prijava-krsitve-pravic-potnikov/.

**Implementation and monitoring of Article 24 on complaints**

Explain how the NEB monitors that the carriers and terminal operators have set up an accessible complaint-handling mechanism.

E.g. by mystery shopping-methods or by desk research or by monitoring carriers or terminal operators’ websites.

During the reporting period, there were no reports on whether carriers and terminal operators have an accessible complaints handling mechanism in place. Therefore, there was no direct monitoring in this area. Monitoring would have been initiated in the event of a report or receipt of information of non-compliance with this provision.

1. **Conclusion and evolutions observed since the previous reporting**

In comparison with the previous bi-annual reports provided by your NEB, **identify any positive / negative evolution concerning the enforcement of Regulation (EU) 1177/2010.**

Compared to previous bi-annual reports, we note that cooperation between the competent authorities and terminal operators and shipowners' agents is improving, resulting in better implementation of the Regulation.