



Adina Ioana Vălean
Commissioner for Mobility and Transport

Didier Reynders
Commissioner for Justice

Copied to:
Ministers of Transport of EU Member States
Permanent Representations of Member States to the EU

Brussels, 15-04-2020

Supporting the maritime transport industry – Passenger Rights Regulation and Directive 2015/2302

Dear Commissioners Vălean and Reynders,

The outbreak of the corona virus (COVID-19) has developed into a catastrophic event affecting many countries and its citizens around the globe.

ECESA, Interferry and CLIA represent together the vast majority of maritime passenger transport services. Since the beginning of this crisis, our members have put in place stringent measures to protect their passengers, crew and destinations in Europe and around the world, as health and safety are always our highest priority. However, as the outbreak further developed, the situation became untenable for companies to continue to operate on a normal footing.

This development has put in jeopardy the very survival of businesses in our sector. Cancellations (either from the passenger or imposed on the operator in view of COVID-19 related restrictions) coupled with the lack of future bookings are draining our members of liquidity. While we welcome the financial support measures announced by the European Commission in order to address the acute liquidity needs and to support businesses facing a real threat of bankruptcy, we strongly call on the European Commission and the EU Member States to go further in supporting our critical sectors in Europe, as well as the broader tourism and business sector.

We call, as a matter of urgency, for an adjustment of the Commission's interpretative guidance of the EU rules related to the reimbursement obligations established in Regulation (EC) 1177/2010 and Directive 2015/2302 in view of COVID-19, or if necessary, temporary changes to the EU rules themselves, so as to enable maritime passenger operators to make reimbursements in priority in the form of credit notes (or 'vouchers') with a long term validity (period to be defined) without waiving the

rights of the consumer for reimbursement or compensation at the end of this period. Such would maintain the rights under the EU rules but allow for a delay in the deadline for reimbursement. This would provide a concrete response to the current cash-flow constraints of maritime transport operators while establishing common criteria at European level to ensure a harmonised approach towards operators and an adequate level of consumer protection.

In his letter of 27 March, as well as in his intervention on 9 April 2020, Commissioner Reynders recognised that *'the pressure on EU's travel and tourism sector is unprecedented'* and called for *"respect of consumer protection and support to travel and tourism businesses for package travel holidays"*. He proposed that the way forward could be *'to allow for the use of credit notes (so called 'vouchers') where notwithstanding the right to be reimbursed under the relevant legislation, the travellers would have the choice to accept the voucher and should have the possibility to ask for a full refund, if, eventually, they do not make use of it, so that to ensure that they are not deprived of their rights under Directive (the Package Travel Directive (EU) 2015/2302)'*. While this clarification by the European Commission led to several Member States enacting national legislation allowing for the possibility of agencies to offer credit notes valid for 12 or 18 months and refundable in the event of non-use, this is unfortunately not the common practice adopted by all Member States and the rules enacted are also different, which lead to an unequal treatment amongst companies subject to Directive 2015/2302.

Moreover, Commissioner Reyners' proposed solution with regards to Directive 2015/2302 has not be replicated with similar guidance with regards to Regulation 1177/2010. In view of the Regulation's direct applicability, Commission's action is required all the more urgently so as to enable operators deal with the severe liquidity implications arising from the application of Regulation 1177/2010.

Therefore, the undersigned maritime partners strongly consider that a common approach is required through the EU in order to ensure fair treatment of all economic actors contributing to mobility, transport and tourism development and the liquidity problems they are facing due to the economic repercussions of the COVID-19 pandemic and therefore call upon the European Commission to, as a matter of urgency:

- amend the interpretative guidelines it issued on 18 and 19 March 2020 on the application of the reimbursement obligations under Regulation 1177/2010 and Directive 2015/2302 so as clarify that maritime passenger operators are allowed to make reimbursements in priority in the form of credit notes (or 'vouchers') with a long term validity . Therefore clarifying that this would solely delay the reimbursement but not waive the rights of the consumer for reimbursement or compensation at the end of this period.
- if also considered necessary, urgently propose temporary changes to Regulation 1177/2010 and Directive 2015/2302, so as to clearly allow for the above for a time-limited period due to the COVID-19 pandemic.

- ensure that common guidance is issued for both pieces of legislation.

We look forward to finding a balanced solution at the earliest. We remain at your disposal should you need additional clarifications on the issue.

Yours sincerely,



Tom Boardley
Secretary General CLIA Europe



Johan Ross
Director of Regulatory Affairs INTERFERRY



Martin Dorsman
Secretary General ECSCA