

# Activity report of the Republic of Bulgaria

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

2021 and 2022

### I. Information on the national system

#### *Introduction to the national system*

The Maritime Administration Executive Agency has been designated as the national authority responsible for implementing Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17 December 2010). This was done by the provisions of Article 360 (10) and (11) of the Merchant Shipping Code (<https://www.marad.bg/bg/node/882>) and Article 190d, point 8 of the Consumer Protection Act (<https://www.kzp.bg/zakoni-i-reglamenti#%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8>).

The Maritime Administration Executive Agency shall monitor the fulfilment of the obligations of carriers under a contract for the carriage of passengers within the meaning of Article 3(m) of Regulation (EU) No 1177/2010 and of port operators providing port passenger services.

The Maritime Administration Executive Agency is also entrusted with the function of examining complaints lodged by passengers in accordance with Article 25(3) of Regulation (EU) No 1177/2010.

According to Article 190d(1)(k) of the Consumer Protection Act (<https://www.kzp.bg/zakoni-i-reglamenti#%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8>), the Commission for Consumer Protection is the competent authority within the meaning of Article 3 (6) of Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27 December 2017) implementing Articles 7 to 9 and 12 of Regulation (EU) No 1177/2010.

Article 177(5), point 3 of the Tourism Act also confers on the Consumer Protection Commission the power to monitor compliance with the obligations of tour operators and travel agents arising from Regulation (EU) No 1177/2010

(<https://www.kzp.bg/zakoni-i-reglamenti#%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8>).

In addition to the provisions listed above, legal measures at national level implementing Regulation (EU) No 1177/2010 have been introduced by:

➤ Merchant Shipping Code – Art. 221a in conjunction with Art. 200 to 211, and Art. 383c (<https://www.marad.bg/bg/node/882>);

➤ Maritime Spaces, Inland Waterways and Ports Act of the Republic of Bulgaria – Art. 121a (<https://www.marad.bg/bg/node/883>);

➤ Tourism Act – Article 91 (7-9) in conjunction with paragraphs 1 to 3, Art.110 (3) and (4) and Article 205 (1) point 6 - 13 and (3)

(<https://www.kzp.bg/zakoni-i-reglamenti#%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8>);

➤ Rules of Procedure of the Maritime Administration Executive Agency, adopted by Decree No 106 of the Council of Ministers of 2015 (published in SG No 33/2015, amended and supplemented, SG No 92/2015 and No 44/2017, amended in SG No 70/2018 and No 36/2022) – Art. 10 (1), point 19 (a), Art. 19, point 5 (b) and Art. 20, point 10 (<https://www.marad.bg/bg/node/913>);

➤ Ordinance No 9 of 2013 on operational fitness requirements for ports and specialised port facilities (promulgated in SG No 96/2013, amended in SG No 85/2017, supplemented in SG No 103/2017) – Articles 32, 38(2) and 48(3) (<https://www.marad.bg/bg/node/948>).

No changes have been made to those provisions introducing legal measures at national level to implement Regulation (EU) No 1177/2010 between 1 January 2021 and 31 December 2022.

Up to date, there has been no national case-law on the application of Regulation (EU) No 1177/2010.

## II. Market for passenger transport by sea and inland waterways

In the period from 1 January 2021 to 31 December 2022, only one sea passenger ship was flying the Bulgarian flag, and passenger transport on inland waterways operated fewer than ten ships flying the Bulgarian flag.

Although all five Bulgarian seaports for public transport have created the necessary technical and organizational conditions for safe port of call and passenger service, during the reporting period, service of passengers carried by sea was performed at two terminals from a port for public transport Varna and three terminals from a port for public transport Burgas.

Passengers carried on inland waterways during the period 1 January 2021 – 31 December 2022 were received and served at seven of the terminals of public transport port Rousse, as well as at the public transport ports Lom, Vidin, East Point, Pristis, Nikopol and Ferrybot complex – Oryahovo.

As can be seen below in Table 1, no domestic passenger transport was carried out either by sea or by inland waterway during the reporting period.

The data in Table 2 clearly show that the number of passengers served in Bulgarian seaports is negligible, with a major proportion of passengers transported on the established Burgas-Batumi-Burgas shipping line.

The number of passengers served in Bulgarian river ports is significantly higher. Most of them are transported on the established ferry shipping lines between the Bulgarian and Romanian banks of the Danube River.

According to the data set out in Table 3, the share of sea cruises is negligible, unlike inland waterway cruises. Due to the specific hydrometeorological conditions in the Black Sea, sea cruises take place only in the period from May to September, and due to the hydrological features of the Bulgarian section of the Danube river cruises are carried out mainly in spring and summer.

The data in the tables below are presented by statistical ports, in view of the prohibition under Article 25(2) of the Statistics Act

(<https://www.nsi.bg/bg/content/553/basic-page/%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD-%D0%B7%D0%B0-%D1%81%D1%82%D0%B0%D1%82%D0%B8%D1%81%D1%82%D0%B8%D0%BA%D0%B0%D1%82%D0%B0>),

such as:

- the statistical port of Varna covers the public transport ports located in the area between the geographical parallel from the point of the Bulgarian-Romanian land border and that of Cape Emine;
- the statistical port of Burgas covers the public transport ports located in the area between the geographical parallel from the point of Cape Emine and that of the Bulgarian-Turkish border;
- the statistical port of Ruse covers the public transport ports located in the area defined by km 374,100 (Bulgarian-Romanian border) to km 645,000 of the Bulgarian section of the Danube;
- the statistical port of Lom covers the public transport ports located in the area defined from km 645,000 to km 845,650 (Bulgarian-Serbian border) on the Bulgarian section of the Danube.

<b>Table 1 – Passengers served on voyages between Bulgarian ports (by statistical ports)</b>			
<b>Port</b>	<b>Year</b>	<b>Passengers embarked</b>	<b>Passengers disembarked</b>
<b>Port of Varna</b>	<b>2021</b>	0	0
	<b>2022</b>	0	0
<b>Port of Burgas</b>	<b>2021</b>	0	0
	<b>2022</b>	0	0
<b>Port of Ruse</b>	<b>2021</b>	0	0
	<b>2022</b>	0	0
<b>Port of Lom</b>	<b>2021</b>	0	0
	<b>2022</b>	0	0

<b>Table 2 – Passengers served on international voyages (by statistical ports)</b>			
<b>Port</b>	<b>Year</b>	<b>Passengers embarked</b>	<b>Passengers disembarked</b>
<b>Port of Varna</b>	<b>2021</b>	154	53
	<b>2022</b>	506	865
<b>Port of Burgas</b>	<b>2021</b>	2 515	1 293
	<b>2022</b>	2 351	2 664
<b>Port of Ruse</b>	<b>2021</b>	19 454	17 725
	<b>2022</b>	28 357	33 087
<b>Port of Lom</b>	<b>2021</b>	76 746	49 915
	<b>2022</b>	78 540	62 112

<b>Table 3 – Cruise passengers (by statistical port)</b>			
<b>Port</b>	<b>Year</b>	<b>Number of cruise ship visits</b>	<b>Number of cruise passengers</b>
<b>Port of Varna</b>	<b>2021</b>	1	59
	<b>2022</b>	0	0
<b>Port of Burgas</b>	<b>2021</b>	2	128
	<b>2022</b>	0	0
<b>Port of Ruse</b>	<b>2021</b>	186	17 097
	<b>2022</b>	425	40 709
<b>Port of Lom</b>	<b>2021</b>	134	12 559
	<b>2022</b>	329	31 844

### III. Complaint handling process

#### *Description of the complaints mechanism implemented*

The Maritime Administration Executive Agency examines individual passenger complaints submitted in accordance with Article 25(3) of Regulation (EU) No 1177/2010.

A complaint to the national enforcement authority may be lodged after the passenger has exercised his right to complain about an alleged infringement of Regulation (EU) No 1177/2010 with the carrier, respectively the port operator, and has not received a satisfactory decision.

Complaints submitted by passengers to the national enforcement body shall be dealt with in accordance with the procedure laid down in Section I ‘Consumer Complaints and Signals’ of Chapter Nine ‘Consumer Disputes’ of the Consumer Protection Act (<https://www.kzp.bg/zakoni-i-reglamenti/#%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8>). According to those rules, a complaint may be submitted in writing on paper or electronically. There is no approved model (form) of a complaint, but its minimum mandatory content has been established by law. The same rules also govern the time limits within which a decision on the appeal is to be given. The decision of the Executive Director of the Maritime Administration Executive Agency on a complaint constitutes an individual administrative act and is therefore binding on the parties to the dispute (the complainant passenger and the carrier, respectively the port operator). However, it is not final – the party dissatisfied with the decision may challenge it before the relevant competent administrative court.

Detailed information on the procedure for lodging and handling passenger complaints submitted in accordance with Article 25(3) of Regulation (EU) No 1177/2010 is available on the official website of the Maritime Administration Executive Agency, at: <https://www.marad.bg/bg/node/3003>.

There is also a possibility for passengers’ claims to be settled through alternative dispute resolution. The legal framework for this method of resolving disputes between consumers and traders is contained in Section II “Alternative Resolution of Consumer Disputes” and Section III “Conciliation Commissions for the Resolution of Consumer Disputes” of Chapter Nine “Consumer Disputes” of the Consumer Protection Act

(<https://www.kzp.bg/zakoni-i-reglamenti/#%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8>).

The recognised alternative dispute resolution body in the field of waterborne transport is the one established by Order No RD-16-1027 of the Minister for the Economy of 24 November 2015.

On the official website of the Commission for Consumer Protection, at: <https://kzp.bg/pomiritelna-komisiya> provides detailed information on: the means of applying for the opening of alternative dispute resolution proceedings; the procedure for the work of the Sectoral Conciliation Committee, including the time limits for closing the proceedings; the Traders Register agreed to participate in a conciliation committee.

Information on the possibility of alternative dispute resolution for disputes between consumers and traders in the field of waterborne transport is also published on the official website of the Maritime Administration Executive Agency (<https://www.marad.bg/bg/node/3004>).

## IV. Complaints statistics

No passenger complaints lodged in accordance with Article 25(3) of Regulation (EU) No 1177/2010 were received by passengers in the period from 1 January 2021 to 31 December 2022, which is also reflected in Table 4 below.

During the reporting period, there were also no requests from passengers to deal with disputes in the field of waterborne transport by the Sectoral Conciliation Commission for consideration of the consumer dispute under the alternative dispute settlement procedure.

<b>Table 4 – Statistical data of complaints submitted to the National Enforcement Body</b>									
	<b>Total number of complaints</b>	<b>Reason for the complaint</b>							<b>Comments</b>
		Accessibility and information (Article 9)	Right to assistance (Article 10)	Compensation for mobility equipment or other specific equipment (Article 15)	Assistance in case of cancelled or delayed departures (Article 17)	Re-routing and reimbursement in case of cancelled or delayed departures (Article 18)	Compensation in case of delay in arrival (Article 19)	Others	
from 1 January to 31 December 2021	0	—	—	—	—	—	—	—	
from 1 January to 31 December 2022	0	—	—	—	—	—	—	—	

## V. Sanctions and penalties

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

In application of Article 28 of Regulation (EU) No 1177/2010, Bulgarian legislation has established legal provisions for administrative infringements of the provisions of the Regulation. These are the administrative sanctions provisions of Article 383c of the Merchant Shipping Code (<https://www.marad.bg/bg/node/882>), Article 121a of the Maritime Spaces, Inland Waterways and Ports Act of the Republic of Bulgaria and Article 205(1), point 6-13 and (3) of the Tourism Act. Infringements under 383c of the Merchant Shipping Code and Article 121a of the Maritime Spaces, Inland Waterways and Ports Act of the Republic of Bulgaria shall be established by acts drawn up by officials of the Maritime Administration Executive Agency and Article 205(1), point 6-13, (2) and (3) of the Tourism Act by acts drawn up by officials of the Commission for Consumer Protection. The penalty constituting a pecuniary penalty shall be imposed by means of a penalty order issued by the director of the relevant territorial directorate of the Maritime Administration Executive Agency, respectively by the Chairman of the Consumer Protection Commission. The penalty order may also determine monetary compensation up to the full amount of the damages caused by the infringement. The drafting of the acts of establishment of administrative violations, the issuance and appeal of the penal decrees and the execution of the imposed administrative penalties shall be carried out in accordance with the Administrative Violations and Penalties Act (<https://lex.bg/bg/laws/ldoc/2126821377>).

### **Information and statistics on sanctions and penalties**

During the period from 1 January 2021 to 31 December 2022, the Maritime Administration Executive Agency did not identify infringements of the rules of Regulation (EU) No 1177/2010 by carriers or port operators, and the Consumer Protection Commission found infringements committed by tour operators or travel agents.

Therefore, no penalty orders were issued during the reporting period for infringements of the provisions of Regulation (EU) No 1177/2010. The same is reflected below in Table 5.

The situation was identical in the previous reporting period (1 January 2019 to 31 December 2020).

**Table 5 – Statistics on national sanctions and penalties**

	<b>Number of sanctions imposed</b>	<b>Type of sanction imposed</b>	<b>Penalty or fine amount</b>
from 1 January until 31 December 2021	0	—	—
from 1 January until 31 December 2022	0	—	—

## VI. Actions taken to implement and monitor the Regulation

As mentioned in Section I of this report, some of the legal measures implementing Regulation (EU) No 1177/2010 were introduced by Ordinance No 9 of 2013 on operational fitness requirements for ports and specialised port facilities (<https://www.marad.bg/bg/node/948>).

In accordance with the provisions of Article 32, Article 38(2) and Article 48(3) of that Ordinance, each port operator providing port passenger services shall have:

- developed and applied a passenger service instruction, which also describes: the rules on access to the carriage of disabled persons and persons with reduced mobility and accompanying persons in accordance with Article 9(1) of Regulation (EU) No 1177/2010 and the procedures for providing assistance free of charge to disabled persons and persons with reduced mobility in accordance with Articles 10 and 11 of that Regulation;

- identified an appropriate and clearly marked place in or outside the port (at the terminal) where disabled persons or persons with reduced mobility can report their arrival and request assistance and obtain basic information on the port terminal and assistance in accessible form;

- made public the rules on access to the carriage of disabled persons and persons with reduced mobility, as well as for persons accompanying them, in accordance with the requirements of Article 9(2) of Regulation (EU) No 1177/2010, by placing on the fixed hydrotechnical facilities for the mooring, docking and handling of ships (quay walls, piers, ferry sockets, etc.), as well as the approach on the shore and at the water-side point of the floating hydrotechnical facilities serving as a link between the ship and the shore information boards. The information on these boards is provided in Bulgarian, English and at least one other European language, indicating also passenger rights deriving from Regulation (EU) No 1177/2010 and contact details (address, telephone, fax, e-mail address) of the Maritime Administration Executive Agency as the national authority responsible for the implementation of the Regulation;

- carried out training of passenger service personnel in accordance with the requirements of Article 14 of Regulation (EU) No 1177/2010.

In view of the fact that the application of the provisions of Regulation (EU) No 1177/2010 by port operators forms part of the operational fitness requirements of ports serving passengers, the monitoring of the correct application of the requirements of the Regulation is carried out by inspectors in the territorial directorates of the Maritime Administration Executive Agency carrying out operational fitness control functions, within the framework of their planned, ongoing and targeted operational fitness checks.

During the period from 1 January 2021 to 31 December 2022 were carried out 9 scheduled and 51 ongoing inspections of ports and terminals serving passengers. These checks did not reveal any non-compliances with the requirements of Regulation (EU) No 1177/2010.

## VII. Conclusion and evolutions observed since the previous reporting

During the period from 1 January 2021 to 31 December 2022, the trend of the good level of application of the requirements of Regulation (EU) No 1177/2010 established in previous reporting continued.