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## **Activity report on the implementation of Regulation (EU) no. 181/2011 concerning the rights of passengers in bus and coach transport**

The current provisions on the rights of passengers in bus and coach transport entered into force on 1 March 2013. Regulation (EU) no. 181/2011 provides inter alia for the rights of passengers in cases of cancellation or delay, mandatory assistance at no additional cost for disabled persons and persons with reduced mobility at designated terminals and on board buses and coaches, and compensation in case of an accident. The Regulation shall apply in full to passengers travelling with regular services where the scheduled distance of the service is 250 km or more. Passenger rights shall apply regardless of the length of a passenger's journey using such a service. However, in the case of regular coach services between Finland and Russia and between Finland and Norway, the Regulation shall enter into force on 1 March 2021.

Under Article 29 of the Regulation, the enforcement bodies designated pursuant to the Regulation shall publish a report every two years on their activity, containing in particular a description of actions taken in order to implement the Regulation and statistics on complaints and sanctions applied. The present report concerns the period 1 March 2013 to 31 December 2014 and was drawn up jointly by Finland's national enforcement bodies for passenger rights.

### **National Enforcement Bodies in Finland**

Every Member State is required to appoint one or more National Enforcement Bodies (NEB) responsible for the implementation of the Regulation. In Finland, these NEBs are the Consumer Ombudsman and the Finnish Transport Safety Agency Trafi. In cases of disputes involving individual passengers, the Consumer Disputes Board is the NEB for private consumers and Trafi is the NEB for business passengers.

#### *Consumer Ombudsman*

The principal duty of the Consumer Ombudsman is to supervise compliance with the Consumer Protection Act and several other acts enacted to protect consumers. This supervision is particularly concerned with the legality of marketing, of terms and conditions of agreements and of debt recovery. The purpose of the supervision is to get businesses with illegal marketing practices or unreasonable terms and conditions of agreement to discontinue such practices.

The Consumer Ombudsman basically does not deal with individual complaints where consumers seek compensation for a defect in a product or service. Such cases are handled by consumer advisers and the Consumer Disputes Board.

## Trafi

The Finnish Transport Safety Agency Trafi actively develops the safety of the transport system, promotes environmentally friendly transport solutions and handles regulatory duties related to the transport system.

Trafi supervises enforcement of passenger rights in collaboration with the Consumer Ombudsman. Trafi also supervises enforcement of the rights of disabled passengers and passengers with reduced mobility. It is also the responsibility of Trafi to designate bus terminals where assistance shall be provided for disabled passengers and passengers with reduced mobility, pursuant to the Regulation. Trafi also handles complaints filed by disabled passengers and passengers with reduced mobility, and by business travellers. The competence of Trafi is provided for in section 55a of the Public Transport Act (869/2009).

### *Consumer Disputes Board*

The Consumer Disputes Board is a neutral and independent expert body with a balance of representatives from consumers and businesses. The Consumer Disputes Board handles complaints filed by private consumers. The decisions of the Board are recommendations only, and as such cannot be enforced by coercive measures. However, the compliance rate is high, about 80%. The Board handles cases free of charge.

The Consumer Disputes Board is not involved in actively supervising enforcement of passenger rights, being a dispute resolution body.

### **Information on complaints received by the NEBs**

In Finland, passenger complaints are handled by the Consumer Disputes Board and Trafi. The Consumer Disputes Board handles complaints filed by private consumers, while business travellers should apply to Trafi. Trafi also handles complaints filed by disabled passengers and passengers with reduced mobility.

If a passenger wishes to file a complaint and to seek compensation from the transport operator pursuant to the Regulation, he/she must always first address the transport operator or the terminal managing body. A complaint must be filed with the transport operator within three months of the bus/coach journey concerned. If filing a complaint with the transport operator produces no results, the passenger may file the complaint with the NEB. Complaints must be filed in writing.

The current provisions on the rights of passengers in bus and coach transport entered into force on 1 March 2013, but so far the NEBs have received very few complaints related to these rights. Between 1 March and 31 December 2013, the Consumer Disputes Board received six contacts or complaints concerning bus/coach transport. Three of these concerned a cancelled service, and one concerned a delay. However, three of the complaints were not directly related to the provisions of the Regulation. In 2014, the Consumer Disputes Board handled four complaints involving bus/coach travel, two of which were not related to the provisions of the Regulation.

Trafi has had even fewer contacts. In 2013, there were no contacts at all, and in 2014 Trafi was contacted only twice for advice regarding bus/coach travel. In other words, by the end of 2014 Trafi had not received a single complaint.

Decisions concerning passenger rights made by the Consumer Disputes Board or Trafi are recommendations only. Only a court can issue a legally binding decision.

## Supervision measures

In Finland, the rights of passengers are supervised by the Consumer Ombudsman and Trafi. The supervision is a collaborative effort, and both authorities are also actively involved in cooperation with interest groups. The Consumer Ombudsman liaises with consumer organisations and the European Consumer Centre. Trafi engages in close cooperation with transport operators and with organisations representing disabled persons and persons with reduced mobility.

### *Consumer Ombudsman supervises passenger rights from the collective perspective*

The Consumer Ombudsman receives thousands of notifications and contacts from consumers, businesses, other authorities and NGOs every year. All of these are processed and stored in the information system of the Finnish Competition and Consumer Authority (FCCA). The Consumer Ombudsman selects focus areas for supervision on the basis of information received. The Consumer Ombudsman may also take initiative in addressing any problems identified. Emerging issues are often dealt with in a broader context, addressing several problems at once.

By law, the Consumer Ombudsman must pay particular attention to sectors of high significance for consumers and to sectors where problems with consumer rights are the most likely to emerge. Supervision must also be rotated between sectors. The consumer policy programme in effect at any given time also has a bearing on which issues and areas the Consumer Ombudsman focuses. So far, the Consumer Ombudsman has received very few complaints related to the rights of passengers in bus/coach transport. These complaints primarily concern marketing issues such as misleading pricing rather than issues provided for in the Regulation.

A comprehensive package of information on transport and passenger rights is available on the website of the FCCA ([www.kkv.fi](http://www.kkv.fi)). Consumer advisers provide consumers with guidance and assistance in disputes free of charge. Businesses may also consult the FCCA and consumer rights advisers at local register offices concerning consumer rights issues. The Consumer Ombudsman may organise training concerning passenger rights and consumer rights on request.

### *Trafi supervision is governed by a performance-based and risk-based supervision model*

Trafi is increasingly pursuing its supervision duties by applying a performance-based and risk-based supervision model. The supervision is carried out according to a supervision plan drawn up and maintained on an annual basis. The supervision plan takes into account the requirements, prioritisation, risks, resources and cost-effectiveness outlining supervision activities. The annual supervision plan forms part of a long-term framework programme.

In 2014, Trafi conducted a survey among bus/coach transport operators concerning matters related to the implementation of the Regulation. Trafi also reviewed the websites of the operators responding to the survey in order to find out how bus/coach operators inform their passengers about passenger rights. The campaign showed that there is some variation between operators in the information available. Operators were requested to correct any inaccurate or incorrect information observed in connection with the campaign. The survey also involved inspecting how the transport operators had drawn up and published the access conditions as per Article 11. At the time of publication of the present report, the study on access conditions had not yet been fully completed.

Passenger rights are publicised on the Trafi website ([www.trafi.fi](http://www.trafi.fi)) and also in the social media (Facebook and Twitter). Trafi participates in several events and trade fairs every year, with some of the themes featured focusing on passenger rights.

**Additional information**

Special Adviser Kirsi Tervola, tel. 029 534 7259, [kirsi.tervola\(at\)trafi.fi](mailto:kirsi.tervola(at)trafi.fi)