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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 2015–2016**

The current provisions on the rights of passengers in bus and coach transport entered into force on 1 March 2013, making the EU the first area in the world where the rights of passengers have been safeguarded separately for every mode of transport. 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 January 2015–31 December 2016 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 and for disabled persons and persons with reduced mobility.

#### *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, conduct regarding a customer relationship, contract terms and debt recovery. The purpose of the supervision is to get businesses with illegal marketing practices or unreasonable contract terms to discontinue such practices.

The Consumer Ombudsman 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 duties related to the transport market and compliance with rules and regulations applicable to the transport system. Trafi sees to the effective operation of the transport system and issues the requisite licences, approvals and other decisions as well as legal rules applicable to the sector. In its role as an authority, Trafi also strives to create preconditions for innovative development of intelligence transport.

Trafi supervises the enforcement of the rights of passengers in bus and coach transport insofar as this does not fall within the domain of the Consumer Ombudsman. The rights of disabled passengers and passengers with reduced mobility are a particular focus area of Trafi's supervision. 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. Trafi's competence is provided for in section 16 of the Public Transport Act (869/2009).

### *Consumer Disputes Board*

The Consumer Disputes Board is a neutral and independent body providing legal protection that handles complaints filed by consumers. The decisions of the Board are recommendations only, and as such they cannot be enforced by coercive measures. The Board handles cases free of charge.

Rather than being involved in actual supervision, the Consumer Disputes Board is an alternative dispute resolution body (ADR 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 can apply to Trafi when encountering problems. Trafi also handles complaints related to the rights of 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.

So far, the annual number of complaints concerning the rights of passengers in bus/coach transport received by the NEBs has been low. In 2015, the Consumer Disputes Board received 21 complaints concerning bus/coach transport, and in 2016, 13 complaints. The number of passengers contacting Trafi has been even lower. In 2015, Trafi was contact five times, and in 2016 Trafi was contacted twice for advice regarding bus/coach travel.

## Supervision measures in 2015–2016

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 stakeholders. The Consumer Ombudsman liaises with consumer organisations, tour operators and the European Consumer Centre among other things, while Trafi engages in close cooperation with transport operators and organisations representing disabled persons and persons with reduced mobility. Both authorities also participate actively in cooperation between NEBs in EU Member States.

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

The Consumer Ombudsman receives thousands of reports 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 the 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. So far, the Consumer Ombudsman has received very few complaints related to the rights of passengers in bus/coach transport. These complaints have primarily concerned 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.

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

Trafi fulfils its supervision duties by applying a performance-based and risk-based supervision model. The supervision of passenger rights is carried out according to a supervision plan drawn up and maintained on an annual basis. The supervision plan addresses the requirements, prioritisation, risks, resources and cost-effectiveness of supervision activities. The annual supervision plan is part of a long-term framework programme.

In 2015, Trafi inspected the terms and conditions concerning accessibility published by transport operators and terminal managers. Shortcomings were observed in the publication of the terms and conditions, and the actors were asked to correct any problems. Transport operators and terminal managers were also urged to work together with disability organisations when preparing their terms and conditions related to accessibility. Trafi organised a stakeholder meeting on this theme in autumn 2015, which was attended by representatives of transport operators and terminal managers, the Ministry of Transport and Communications, and disability organisations.

In 2015, Trafi inspected the manner in which passengers were informed of their rights at certain bus terminals. The inspections indicated that little information on passenger rights was provided. In connection with its Christmas greetings in 2015, Trafi sent the contact persons of bus terminals posters and brochures produced by the European Commission's passenger rights campaign that could be displayed in

bus terminals. At the same time, terminal managers were reminded of their duty under the Regulation to provide information.

In 2015 and 2016, Trafi participated in the Nordic Travel Fair, which annually sees some 50 000 visitors and nearly 20 000 travel sector professionals. Trafi's theme at the fair in both years was passenger rights in the EU and airport security checks. Information was provided on passenger rights at the fair, and in both years, a small-scale survey on how well the fair visitors knew their rights was conducted. The survey had over 500 respondents in 2015 and some 800 in 2016.

In addition to Trafi's website ([www.trafi.fi](http://www.trafi.fi)), information on passenger rights is provided through the social media, including Facebook and Twitter. Trafi participates in many events and a number of fairs every year, at which it also brings up themes related to passenger rights.

### **Additional information**

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