

Activity report of Denmark

Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport

Year of 2021 and 2022

The Commission's questionnaire on the NEB activity reports for 2023

Article 29 of Regulation (EU) N° 181/2011 provides that "by 1 June 2015 and every 2 years thereafter, the enforcement bodies designated pursuant to Article 28(1) [of the Regulation] shall publish a report on their activity in the previous 2 calendar years, containing in particular a description of actions taken in order to implement this Regulation and statistics on complaints and sanctions applied".

During the NEB meeting of 12 December 2022, the Commission services presented a template for reporting under Article 29 of Regulation (EU) No 181/2011, which was based on an assessment of the reports from previous years and identified good practices in the NEB reporting.

The use of this template is not mandatory. The Commission invites NEBs to report on the years 2021-2022 using the finalized template and to inform the Commission about the publication of the report (link to the website).

I. Information on the national system

Introduction to the national system.

The Appeal Board for Bus, Train and Metro and the Danish Road Safety Agency were the national enforcement bodies in Denmark until 31st December 2019. On the 1st of January 2020 the Danish Road Traffic Authority became an independent Authority under the Ministry of Transport. The Danish Road Traffic Authority became responsible for the task. The national enforcement bodies are now the Appeal Board for Bus, Train and Metro and the Danish Road Traffic Authority.

The Appeal Board for Bus, Train and Metro handles complaints from passengers in bus, and coach regarding concrete issues experienced on a journey or a cancelled journey.

The Danish Road Traffic Authority supervises compliance with the REGULATION (EU) No 181/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 February 2011 concerning the rights of passengers in bus and coach transport and processes complaints that the Appeal Board for Bus, Train and Metro does not process.

II. Complaint handling process

A description of the complaint mechanism put in place

The Appeal Board for Bus, Train and Metro only handles individual concrete complaints and has an online complaint form on the website. It is also possible to fill out the English form via the link on www.abtm.dk and mail the form afterwards. Furthermore, passengers can send in complaints in a letter. The complaint will be sent to the respective transport company for comments. The complainant then receives the comments in order to make a final statement before the secretariate of the appeal board makes a decision draft which is sent to the board members to be decided at a meeting in the board (6 meetings a year). The board consists of a chairman who is a judge from court, 2 members from Consumer Council, and 2 members representing the transport business. The decision is in writing and is sent to the respective parties. All passengers who have had a dispute with a transport company will be informed about the possibility to appeal to the appeal board in the rejection letter. The decision from the appeal board is not binding for the transport company as such, but all transport companies comply with the decisions.

The Danish Road Traffic Authority's website contain information about the general rights of bus passengers under the regulation, just as the website contain guidance on the complaints process and access to complaints, as well as contact information on the NEB. The Danish Road Traffic Authority has no complaint form and refers passengers to submit their complaints to the carrier/terminal managing body etc. first in compliance with Danish law, and thereafter submit the complaint to the Appeal Board for Bus, Train and Metro if they are not satisfied with the solution offered by the carrier/terminal managing body, etc.

If the appeal board finds it is not able to process a certain complaint within the scope of the council regulation, the complaint in question will be forwarded to the Danish Road Traffic Authority.

III. 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 29 of Regulation (EU) 181/2011. If available, complaints submitted to carriers and terminal managing bodies responsible for the management of designated terminals where assistance to persons with disabilities and reduced mobility is provided.*

The Danish Road Traffic Authority has not received any complaints during to period 2021-2022.

The data of The Appeal Board for Bus, Train and Metro is mentioned below.

Table IV.1 - Statistical data of complaints submitted to the National Enforcement Body

Year	Number of complaints	Reason for complaint							Comments
		Travel information (Article 24)	Right to assistance at designated terminals and on board buses and coaches (Article 13)	Compensation in respect of wheelchairs and other mobility equipment (Article 17)	Assistance in the event of cancelled or delayed departures (Article 21)	Continuation, re-routing and reimbursement in the event of cancelled or delayed departures (Article 19)	Compensation in the event of accidents (Article 7)	Others	
From 1 January to 31 December 2021	The Appeal Board for Bus, Train and Metro	1	0	0		1		2	
From 1 January to 31 December 2022	The Appeal Board for Bus, Train and Metro					2		3	

Table IV.2 – If available, statistical data of complaints submitted to carriers or terminal managing bodies

Year	Number of complaints	Reason for complaint							Comments
		Travel information (Article 24)	Right to assistance at designated terminals and on board buses and coaches (Article 13)	Compensation in respect of wheelchairs and other mobility equipment (Article 17)	Assistance in the event of cancelled or delayed departures (Article 21)	Continuation, re-routing and reimbursement in the event of cancelled or delayed departures (Article 19)	Compensation in the event of accidents (Article 7)	Others	
From 1 January to 31 December 2021	N/A								
From 1 January to 31 December 2022	N/A								

IV. Sanctions and penalties

Information on the procedure to impose the sanction and penalty.

Article 31 of Regulation (EU) 181/2011 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 1 March 2013 and shall notify it without delay of any subsequent amendment affecting them”. Please provide a description of the national rules on penalties and sanctions and any amendments to the initial rules on this.

The Appeal Board for Bus, Train and Metro will fine the transport company which infringe the Regulation with a fine of 10.000 DKK, and if relevant instruct the transport company about which actions the company is obliged to perform according to current law.

If the Danish Road Traffic Authority acknowledges a complaint, the authority will make an instructive statement. The instructive statement contains the Danish Road Traffic Authority’s conception of law, and in accordance with that conception, which actions the company which the complaint is concerned are obliged to perform according to current law. If the company in question does not comply with the instructive statement, such as initiating potential improvements or pays prospective compensation, within eight weeks, and if the authority determines that the violation is sufficiently serious, it can file a police report against the company. Based on the instructive statement from the Danish Road Traffic Authority, the passenger can initiate legal action with the courts against the company.

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.

Table 6 – Statistics on national sanctions and penalties imposed			
Year	Number of sanctions imposed):	Type of sanction imposed (in case of fines, what was the sum imposed):	Penalty or fine amount
From 1 January to 31 December 2021	The Appeal Board for Bus, Train and Metro		10.000 DKK
From 1 January to 31 December 2022	The Appeal Board for Bus, Train and Metro		0

V. Actions taken to implement and monitor the Regulation

Implementation and monitoring of Article 11 related to accessibility and information as well as Articles 13 and 14 related to the right to assistance and the conditions of assistance

The Appeal Board for Bus, Train and Metro only handles individual concrete complaints from passengers and does not act proactively as such.

The Danish Road Traffic Authority acts based on complaints from passengers. The requirements of Council Regulation no. 181/2011 are implemented in national legislation. The bus operators are obliged to ensure that they provide the correct guidance and in general comply with the rules of Article 11. If the Danish Road Traffic Authority receive a complaint regarding a bus passenger's rights and if the authority acknowledges the complaint, the authority will make an instructive statement with the authorities' conception of the law as mentioned in section "IV – Sanctions and penalties.

Furthermore, the Danish Road Traffic Authority informs about the rights of passengers in bus and coach transport on its website and is available with information if necessary.

Implementation and monitoring of Article 16 on disability-related training

The Danish Road Traffic Authority can inform that training of drivers is regulated in the Danish Executive Order 322 of 30th June 2020 on the qualification requirements for certain drivers of vehicles in road transport. It is stated in § 16, subsection 1, that the drivers who carry out route service must complete basic qualification training. The provisions of Directive (EU) 2022/2561 on the subjects that must at least be included as part of the drivers' basic qualification training and periodic training, are directly implemented in national legislation. The courses and educations are handled by the approved training centers, who can design the structure of the education themselves, which often consists of both practical and theoretical parts. The disability related training is a part of the basic training each driver completes.

The Danish Road Traffic Authority issues approvals to the training centers and thus ensures the quality within.

Implementation and monitoring of Articles 20 and 21 on information and assistance in the event of a cancelled or delayed departures

The Danish Road Traffic Authority refers to the answer above in relation to “Implementation and monitoring of Article 11 related to accessibility and information as well as Articles 13 and 14 related to the right to assistance and the conditions of assistance.”

Implementation and monitoring of Article 25 on information on passenger rights

The Danish Road Traffic Authority refers to the answer above in relation to “Implementation and monitoring of Article 11 related to accessibility and information as well as Articles 13 and 14 related to the right to assistance and the conditions of assistance.”

Implementation and monitoring of Article 26 on complaints

The Danish Road Traffic Authority refers to the answer above in relation to “Implementation and monitoring of Article 11 related to accessibility and information as well as Articles 13 and 14 related to the right to assistance and the conditions of assistance.”

VI. Conclusion and evolutions observed since the previous reporting

*In comparison with the previous bi-annual report provided by your NEB, **identify any positive / negative evolution concerning the enforcement of Regulation (EU) 181/2011.** Any recommendations to the Commission would be welcome.*

Since the Danish Road Traffic Authority has not received any complaints the previous years, which was the same pattern published in the Activity Report of 2021 – and the Appeal Board for Bus, Train and Metro is receiving very few complaints – the authority cannot identify any positive nor negative evolution concerning the enforcement.