

<p style="text-align: center;">Rights of passengers travelling by bus and coach (Regulation (EU) N° 181/2011)</p>
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The Commission's questionnaire on the NEB activity reports for 2019

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".

At the NEB meeting on 11 March 2015 the NEBs adopted unanimously the questionnaire below. NEBs are requested to follow this questionnaire when drafting their reports. NEBs are invited to send by email one copy of their reports to the Commission at the same time when they publish it.

Questionnaire

1) Distribution of tasks between different NEBs (if applicable)?

If there are several NEBs in your Member State, how the tasks stipulated in the Regulation are distributed between them?

Answer: The Appeal Board for Bus, Train and Metro and The Danish Road Safety Agency are appointed as the national enforcement bodies in Denmark.

The Appeal Board for Bus, Train and Metro processes complaints between consumers and operators of public transport (bus, train and metro). If the appeal board finds it is not able to process a certain complaint within the scope of the council regulation regarding the rights of passengers in bus and coach transport (no. 181/2011 of February 16th 2011), the complaint in question will be processed by The Danish Road Safety Agency, cf. § 2, stk. 2 in bekendtgørelse om klageadgang og tilsyn med transportører og forvaltningsorganer for busterminaler m.v.

What are the tasks of the NEB submitting the reply to this questionnaire?

Answer: The Appeal Board for Bus, Train and Metro, in accordance to its by-laws, processes civil disputes regarding travels by public transport in Denmark between consumers and operators of public transport (bus, train and metro). Complaints regarding any type of circumstances between consumers and operators of public transport, can be submitted to the appeal board.

The appeal board does not process disputes regarding bodily injury inflicted during bus travel, because this type of injury is covered by the compulsory liability insurance of the

company in question. The appeal board is able to process complaints regarding international travel by public transport, traded by operators seated in Denmark. The appeal board cannot process cases that are settled by court ruling, valid binding arbitration or settlement in court.

The Danish Road Safety Agency 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 process complaints that The Appeal Board for Bus, Train and Metro does not process.

2) Information and statistics on complaint handling:

Year	Number of complaints	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance):	Comments (if any):
From January 1 st – December 31 st 2017	1	Delay of 4 hours. Delayed because the bus could not get on the planned ferry.	The bus company is not obligated to compensate for delays during the trip.
From January 1 st – December 31 st 2018	1	Delay of 2 hours. The delay arose during the trip, and was caused by technical difficulties, and the bus replaced.	The bus company is not obligated to compensate for delays during the trip.

In your Member State (please underline the correct answer):

- Passengers can always submit their complaint directly to the NEB, or
- Passengers are obliged to submit their complaints to the carrier/terminal managing body etc. first, and they can only submit a complaint to an NEB if they are not satisfied with the solution offered by the carrier/terminal managing body, etc. -----

Do you use a complaint form at national level (please underline the correct answer)?:

- Yes (if yes, please provide a copy of this form to the Commission) (The Appeal Board for Bus, Train and Metro)

- No (The Danish Road Safety Agency)

Which of the following methods of communication can be used to file complaints (please underline the correct answer or answers):

- in paper format

- electronically (e.g. by email or via a website)

- by phone
- in person at the NEBs office

Did you reattribute any complaints to NEBs of other Member State? If yes, how many complaints?

Answer: None

Is it possible to settle passengers' complaints via alternative dispute resolution?

- Yes (if yes, please specify how it works)
- No

If an NEB takes a decision based on a complaint, will this decision be binding for the complainant and the carrier, terminal manager etc. against whom the complaint was made?

Answer:

The Appeal Board for Bus, Train and Metro: If the company which the complaint is concerned loses the case with the appeal board and does not comply with the ruling, the complaining party can, with assistance from the Danish Competition and Consumer Authority, initiate legal action with the courts against the company. This is initially free for the consumer.

The Danish Road Safety Agency: Will make an instructive statement. The instructive statement contains The Danish Road Safety Agency's conception of law, and in accordance with that conception, which actions the company which the complaint is concerned are obliged 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 Danish Road Safety Agency determines that the violation is sufficiently serious, The Danish Road Safety Agency can file a police report against the company. Based on the instructive statement from The Danish Road Safety Agency, the consumer can initiate legal action with the courts against the company.

Do you have any information about the number of complaints that passengers submitted to carriers, terminal managing bodies, ticket vendors etc. operating in the territory of your Member State since 1 March 2013? (If yes, please indicate the number of those complaints.)

Answer: No

3) Information and statistics on sanctions:

Year	Number of sanctions imposed:	Type of sanction imposed (in case of fines, what was the sum imposed):	Reason for imposing the sanction (which provision of the Regulation was breached) :
From January 1 st – December 31 st 2017	0	0	0
From January 1 st – December 31 st 2018	0	0	0

Did you impose sanctions in procedures which started on the basis of complaints or on the NEBs own initiative?

Answer: No

Are the sanctions imposed by the NEB or by another body (if it is imposed by another body, please indicate the name of this body)?

Answer: Not relevant

4) Other actions in order to ensure the correct application of the Regulation:

How do you monitor that carriers, terminal managing bodies, ticket vendors etc. respect the Regulation?

Answer:

The Appeal Board for Bus, Train and Metro acts on the basis of complaints from passengers, and each case is processed individually, and in each case The Appeal Board asses whether current law is observed. The Appeal Board is not a supervisory body and does not raise cases against the bus companies at its own initiative.

The Danish Road Safety Agency acts on the basis of complaints form passengers. In addition, The Danish Road Safety Agency conducts individual inspections of bus terminals. Furthermore, The Danish Road Safety Agency performs inspections of the bus operators' websites, to make sure that the operators comply with the rules about information about means of accessibility, the rules concerning transport for disabled people and whether the bus operators has a summary of the rights of passengers in bus and coach transport or similar on their website.

Do you organize inspections?

Answer:

The Appeal Board for Bus, Train and Metro: No

The Danish Road Safety Agency: Yes, see answer above

Do you cooperate with organizations representing passengers, disabled people or consumers, consumer authorities or other national authorities? (if yes, please specify)

The Appeal Board for Bus, Train and Metro does not cooperate directly with any organizations representing passengers. The appeal board is an approved private appeal board, that cooperates with the other Danish appeal boards of the same classification. There are about 20 of such, and all of these have an established procedure for processing of cases, based on an instruction from The Danish Competition and Consumer Authority.

The Danish Road Safety Agency does not cooperate with any organizations representing passengers.

Do you cooperate with NEBs in other Member States (common handling of complaints, common inspections, etc.)? (if yes, please specify)

Answer: See answer above.

Have you taken any action to disseminate information about bus and coach passenger rights? (If yes, please specify)

The Appeal Board for Bus, Train and Metro: No, but the appeal board can contact the bus companies that does not have a link to the rights of passengers in bus and coach transport and request that these rules are displayed on the bus companies' websites.

The Danish Road Safety Agency has sent a letter to the relevant operators and has called to the attention of the rules concerning the rights of passengers in bus and coach transport in council regulation 181/2011. Enclosed was the council regulation no. 181/2011, the commission summary of the rules and the ministerial order no. 313 of March 26th 2015 about complaint and supervision¹. In the letter is stated that the operators are obliged to provide information to the passengers and by presenting the summary that obligation is fulfilled.

Article 11 of the Regulation provides that "In cooperation with organisations representative of disabled persons or persons with reduced mobility, carriers and terminal managing bodies shall, where appropriate through their organisations, establish, or have in place, non- discriminatory access conditions for the transport of disabled persons and persons with reduced mobility. The access conditions provided for in paragraph 1, including the text of international, Union or national laws establishing the safety requirements, on which these non- discriminatory access conditions are based, shall be made publicly available by carriers and terminal managing bodies physically or on the Internet, in accessible formats on request, in the same languages as those in which

¹ Bekendtgørelse nr. 313 af 26. marts 2015, Bekendtgørelse om klageadgang og tilsyn med transportører og forvaltningsorganer for busterminaler m.v.

information is generally made available to all passengers." How this provision has been implemented in your Member State?

The Danish Road Safety Agency inform about the rights of passengers in bus and coach transport on our website. Furthermore, The Danish Road Safety Agency are available with information if necessary.