

**Rights of passengers travelling by bus and coach
(Regulation (EU) N° 181/2011)**

Report on activities of the Republic of Croatia 2017/18

**REPUBLIC OF CROATIA
MINISTRY OF THE SEA, TRANSPORT AND
INFRASTRUCTURE**

June 1st, 2017

Rights of passengers travelling by bus and coach (Regulation (EU) N° 181/2011)

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1) Distribution of tasks between different NEBs

In the Republic of Croatia there is one National Enforcement Body (NEB) for the Regulation (EU) N° 181/2011- which is Ministry of the Sea, Transport and Infrastructure, and it is in operational jurisdiction of Road Transport and Inspection Directorate.

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 1st January 2017 – 31 st December 2017	0	/	/
From 1 st January 2018 - 31 st December 2018	22	- delay, driver's unprofessional acting, refund of the ticket fair, ticket purchase, loss of baggage item, cancellation, the carrier didn't respond to the passenger in prescribed term	/

Mostly the reasons for not having more complaints in the stated period, are that the Republic of Croatia accepts authorized exceptions from use as legitimated by the article 2 of the Regulation (EU) No 181/2011. Therefore the Law on the implementation of the Regulation (EU) No 181/2011, based on the article 2, paragraph 4, prescribes that until March 1st, 2017, only regulations of article 4, paragraph 2, then article 9, article 10,

paragraph 1, article 16, paragraph 1, line (b), article 17, paragraph 1 and 2, and articles 24 till 28 of the Regulation (EU) No 181/2011 will be addressed to the domestic regular services in the Republic of Croatia. Further the same Law, based on the provision of article 2, paragraph 5 prescribes that until March 1st, 2017, the Regulation (EU) No 181/2011 will not be implemented on the international regular services of passengers in case when at least one stop included in the timetable is out of the European Union.

Also, due to the fact that in the Republic of Croatia the passengers' complaints regarding the violation of the provisions of the Regulation (EU) No 181/2011 are settled out by the carrier who received the complaint, we do believe that a number of complaints were resolved in the direct communication between passengers and carriers.

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

o Passengers can always submit their complaint directly to the NEB, or

o Passengers are obliged to submit their complaints to the carrier/terminal managing body at first, and they can only submit a complaint to the NEB if they are not satisfied with the solution offered by the carrier/terminal managing body.

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

o Yes (if yes, please provide a copy of this form to the Commission)

*o **No***

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

*o **in paper format***

*(By post: Ministry of the Sea, Transport and Infrastructure, Prisavlje 14, 10000 Zagreb;
By fax: +385 1 6195 941)*

*o **electronically***

(By e-mail: PravaPutnika.cestovni@mmpi.hr)

*o **by phone***

(Tel.: +385 1 6169 050)

*o **in person at the NEBs office***

(Address: Ministarstvo pomorstva, prometa i infrastrukture, Uprava kopnenog prometa i inspekcije, Prisavlje 14, 10000 Zagreb).

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

No.

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

o Yes (if yes, please specify how it works)

o **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?

According to the Law for the implementation of Regulation 181/2011, Article 5, in the case that the carrier has not resolved the complaint of passengers within and in accordance with Article 27 of Regulation (EU) No. 181/2011, the passenger has the right to file a complaint to the Ministry of Maritime, Transport and Infrastructure. The Ministry shall, without delay and no later than 30 days from the date the complaint was filed, inform the passenger in writing about the established facts and the measures it has taken. Any passenger who is not satisfied with the measures that have been taken (or were not taken within the prescribed time) may initiate an administrative dispute at the competent administrative court.

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.)

Given the fact that most of the services are provided commercially by private-sector operators, it was not possible to gather the data for this question.

3) Information and statistics on sanctions:

No sanctions were imposed on Croatian carriers or terminal management bodies during 2017 or 2018.

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

On the basis of complaints: 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)?

As there were no sanctions imposed it is not possible to answer with further information.

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? Do you organize inspections?

Supervision of respect of the rights of passengers is implemented by regular and

continuous activities of the body of Road Transport Inspection. There is further work to be done in educating carriers about implementation of regulations.

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

The Ministry of the Sea, Transport and Infrastructure regularly contacts with representatives of organizations and people with disabilities, as a part of the common activities.

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

So far we have not had this type of cooperation.

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

Regarding the dissemination of information on the rights of passengers in the previous period all relevant information on the exercise of these rights together with contact data and useful links are published on official web site of the Ministry of the Sea, Transport and Infrastructure in Croatian and English language. Same larger carriers have comprehensive information about regulations on its website.

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

Part of the carrier is its website published the content related to the exercise of the rights of passengers. Also, parts of the manager's bus station are set up posters containing information on the enjoyment of these rights. According to the informations provided by carriers, there are buses equiped fo transportation of disabled persons or persons with reduced mobility. Also, disabled persons or persons with reduced mobility can travel with assistance of carriers educated with the personnel, according to the Regulation. Finally, it is planned that in the future, significant efforts will be invested in familiarising the public with the rights they have.