

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

**Report on activities of the Republic of Croatia
2019./2020.**

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

June 1st, 2021.

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

Report on activities of the Republic of Croatia 2019/2020

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, Road Infrastructure 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 2019 – 31 st December 2019	71	- delay, cancellation, refund of the ticket fair, errors with ticket purchase, loss of baggage item, disregard of reservations, bus breakdown, outdated information on the web	/
From 1 st January 2020 - 31 st December 2020	38	- cancellation, loss of baggage item, delay.	Due to COVID-19 pandemic the number of trips decreased and with it the number of complaints.

Compared to the previous Report on activities of the Republic of Croatia in 2017. and 2018., in 2019. the number of passenger complaints has increased, and that shows that information about passenger rights are transparent and easily accessible and that they have reached addressed group. Following said passengers are more and more prone to exercising their rights that are given to them through Regulation (EU) No 181/2011 and Law on the implementation of the Regulation (EU) No 181/2011.

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 large number of complaints were resolved in the direct communication between passengers and carriers.

Through the 2020., because of the COVID-19 pandemic, number of trips has drastically decreased on the global scale and with it the number of complaints. The complaints received were related to cancelling the trips from carrier side.

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 za cestovni promet, cestovnu infrastrukturu i inspekciju, 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:

During 2019. and 2020. There were several sanctions imposed on Croatian carriers or terminal management bodies.

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

Sanctions in terms of Regulation (EU) N° 181/2011 are based on passenger 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)?

Considering that Ministry of the Sea, Transport and Infrastructure is NEB

for the Regulation (EU) N° 181/2011- sanctions can be imposed only by the NEB.

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. It is continuously worked on familiarising the public with the rights they have according to the Regulation 181/2011.