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Activity report on the implementation of Regulation (EU) no. 1177/2010 concerning the rights of passengers travelling by sea and inland waterway 2015–2016

The current provisions on the rights of passengers travelling by sea and inland waterway entered into force on 18 December 2012. The EU is the first region in the world to have separately enacted provisions safeguarding passenger rights for every form of transport. Regulation (EU) no. 1177/2010 provides inter alia for the rights of passengers in cases of cancellation or delay and for the right of disabled persons and persons with reduced mobility to receive assistance at no additional cost in ports and on board ships.

Under Article 26 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 (Trafafi).

In cases of disputes involving individual passengers, the Consumer Disputes Board is the NEB for private consumers and Trafafi is the NEB for business passengers and for disabled persons and persons with reduced mobility. In the Åland Islands, complaints are additionally handled by the Åland Consumer Disputes Board (Ålands Konsumenttvistenämnden).

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. Trafi also strives to create preconditions for innovative development of intelligence transport.

Trafi supervises the safety of shipping and aims to promote a high-level safety culture on Finland's waterways. Trafi's supervision duties cover the entire maritime and inland waterway sector, including transport operators, ports, port terminals, vessels, terminal managing bodies and the professional competence of ships' crews. Among other things, Trafi is responsible for vessel safety, safety measures of vessels and port facilities, as well as the safety and supervision of leisure crafts in Finland. Trafi also maintains a Register of Ships and a Register of Seafarers.

Trafi supervises the rights of passengers travelling by sea and inland waterway insofar as this does not fall within the domain of the Consumer Ombudsman. Trafi also supervises enforcement of the rights of disabled passengers and passengers with reduced mobility and handles related complaints. Trafi also handles complaints filed by business travellers. Trafi's competence is provided for in chapter 15 section 26 of the Maritime Act (674/1994).

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).

Åland Consumer Disputes Board

Under chapter 5 section 30 paragraph 10 of the Act on the Autonomy of Åland (1144/1991), the duties of the Consumer Disputes Board are discharged in the Åland Islands by a board appointed by the Government of Åland, the Åland Consumer Disputes Board (Ålands Konsumenttvistenämnden). This Board materially applies the same consumer protection legislation and has the same competence as its opposite number on the mainland. The Åland Consumer Disputes Board is the competent NEB in cases of complaints where a party lives in or is domiciled in the Åland Islands or that concern local operations within the Åland Islands.

Information on complaints received by the NEBs in 2015–2016

In Finland, passenger complaints are handled by the Consumer Disputes Board, Trafi and the Åland Consumer Disputes Board. 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. In the Åland

Islands, complaints are handled by the Åland Consumer Disputes Board (Ålands Konsumenttvistenämnden).

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 port authority. The complaint must be filed with the transport operator within two months of the voyage. 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 NEBs have received few complaints concerning the rights of passengers travelling by sea and inland waterway every year. In 2015 the Consumer Disputes Board received ten and in 2016 thirteen complaints related to travel by sea or inland waterway. Trafi received four complaints concerning travel by sea or inland waterway in 2015 and three in 2016. The Åland Consumer Disputes Board received no contacts relevant to the Regulation in 2015–2016.

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 travelling by sea and inland waterway. Considering the volume of passenger traffic between Finland and Sweden and between Finland and Estonia, consumer complaints against shipping companies are extremely rare. The contacts that are received primarily concern marketing issues, problems with the booking system and defects in the service 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). 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 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 2016, Trafi informed transport operators about the rights of disabled passengers and passengers with reduced mobility at stakeholder events organised for passenger ship operators in domestic traffic. A video lecture was produced for the stakeholder events, which was also published online.

In late 2016, Trafi also conducted a survey on the rights of disabled passengers and passengers with reduced mobility addressed to transport operators and port authorities that fall within the scope of the Regulation. The response rate of the survey was very low, however, and Trafi is thus considering further measures in this matter.

In addition to Trafi's website (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, also bringing up themes related to passenger rights.

Additional information

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