

Report 2021 on enforcement of 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 amending regulation (EC) no 2006/2004 in Estonia

Public Transport Act § 80(7) stipulates that Consumer Protection and Technical Regulatory Authority is the designated national enforcement body of the Regulation (EC) No 181/2011 in Estonia.

The Consumer Protection and Technical Regulatory Authority ensures the implementation of the Regulation (EU) No 181/2011 upon regular bus and coach services that fall within the scope of regulation thereof and exercises supervision over the compliance with the regulation and other requirements concerning the consumer's rights.

According to Article 29 of the Regulation (EU) No 181/2011 the enforcement bodies 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. The previous report was published in 2019.

During the period from 1st January 2019 to 31st December 2020 the Consumer Protection and Technical Regulatory Authority receive one complaint regarding violation of rights provided in Regulation (EU) No 181/2011. The case was handled by the Consumer Disputes Committee (Estonian ADR) as it was contractual dispute to receive reimbursement. Passengers missed their connecting bus, part of the same booking. Carrier offered rerouting, but passengers arrived their final destination with a delay exceeding 7 hours. The carrier offered small compensation and a voucher which passenger did not accept. The ADR ruled that passenger is entitled to compensation equal to 50% of the ticket price (Article 19(2)). Carrier complied with the ruling.

The Consumer Protection and Technical Regulatory Authority unfortunately cannot provide information whether any and if, then how many, complaints were filed to carriers, terminals or ticket vendors. The abovementioned do not have statutory obligation to keep such statistics.

Complaint to Consumer Protection and Technical Regulatory Authority is filed after the passenger has already turned to the service provider in a written form but does not agree with the solution offered by the service provider or has not received a reply in 15 days.

The Consumer Protection and Technical Regulatory Authority accepts complaints filed by post, electronically (by email or via a website) and in person at the Consumer Protection and Technical Regulatory Authority's office.

During the period from 1st January 2019 to 31st December 2020 the Consumer Protection and Technical Regulatory Authority did not impose any sanctions to carriers, terminals or ticket vendors.

Estonia had applied for exemptions described in Articles 2(4) and 2 (5). Thus, Regulation (EU) No 181/2011 does not apply to most bus and coach services in a large part. During the COVID pandemic cross-border passenger carriage by land almost stopped, services were cancelled and passengers reimbursed or passengers decided not to travel.

In 2019 and 2020, the Consumer Protection and Technical Regulatory Authority focused on enforcement of air passenger rights under Regulation (EC) 261/2004 and package traveller rights under Directive (EU) 2015/2302.