

Activity Report of HAKOM

Regulation (EU) 2021/782 on Rail Passengers' Rights and Obligations

Years: 2023 and 2024

I Information on the National System

Name of the National Enforcement Body (NEB):

Croatian Regulatory Authority for Network Industries (HAKOM)

Description of the NEB's Tasks:

The Croatian Regulatory Authority for Network Industries (HAKOM), based in Zagreb, is the national regulatory authority responsible for carrying out regulatory and other tasks within the scope and competence laid down by the Electronic Communications Act, the Postal Services Act, and the Act on the Regulation of the Rail Services Market and Protection of Passengers' Rights in Rail Transport. HAKOM is an independent, autonomous and non-profit legal entity with public authority. HAKOM is competent for resolving disputes involving rail passengers when complaints concern the application of Regulation (EU) 2021/782, the Act on the Regulation of the Rail Services Market and Protection of Passengers' Rights in Rail Transport (Official Gazette Nos. 104/17 and 31/25), the General Conditions of Carriage for Passengers, the Railways Act (Official Gazette No. 32/19), and other regulations governing passengers' rights. It also carries out inspections.

Powers (particularly regarding decisions on individual complaints, ADR function) and Organisation of the NEB (including links and hierarchy with the current administration)

HAKOM was established by the Republic of Croatia, with founding rights exercised by the Croatian Parliament and the Government of the Republic of Croatia. Although it operates within the public administration framework, HAKOM is an independent and autonomous legal entity vested with public authority. HAKOM is responsible for handling passenger complaints but does not perform alternative dispute resolution (ADR).

Are there several NEBs in your Member State? If so, how are responsibilities distributed among them?

No, there is only one National Enforcement Body (NEB) for the rail sector in Croatia, namely HAKOM.

What are the resources of the NEB (staff and budget)?

The Rail Services Sector has a total of 7 employees, of whom 5 work occasionally on matters

relating to the protection of passengers' rights. The total budget of the Rail Services Sector amounted to EUR 434,206.00 in 2023 and EUR 518,587.17 in 2024.

Significant Revision of National Legislation (if applicable, please clarify and indicate the official number of the Official Gazette and link; particularly regarding the rules and measures on sanctions pursuant to Article 35(1) of the Regulation):

National legislation was amended on 4 March 2025 (Act on the Regulation of the Rail Services Market and Protection of Passengers' Rights in Rail Transport – Official Gazette Nos. 104/17 and 31/25), in relation to Article 35(1) of the Regulation, and the misdemeanour provisions have been aligned with Regulation (EU) 2021/782.

Link: https://narodne-novine.nn.hr/clanci/sluzbeni/full/2025_02_31_323.html

Has the implementation of the Regulation in national legislation resulted in case law? (Please indicate which issues were addressed in those cases and provide links and references):

There is no established case law. However, there have been individual legal actions brought by HŽ Putnički prijevoz d.o.o. (HŽPP), which is the sole railway passenger transport operator in the Republic of Croatia.

II Use of Exemptions – Rail Market Developments

Exemptions/Extensions Used: Exemptions/Extensions Applied by the Member State (if any):

The exemptions related to the application of Articles 10 and 24(a), in accordance with Article 2(5) of Regulation (EU) 2021/782. These exemptions entered into force, and became applicable, on the date the notification was sent to the European Commission, namely 17 August 2023.

Development of the Rail Passenger Transport Market:

Development of the rail passenger transport market (in case the Member State wishes to highlight any developments not covered by regular reporting under Rail Market Monitoring – RMMS, see: https://transport.ec.europa.eu/transport-modes/rail/market/rail-market-monitoring-rmms_en)

III Complaint handling process

Description of the Complaints Handling Mechanism Established

Does the NEB handle individual complaints, or is this carried out by another body in accordance with Article 33(2)?

HAKOM handles individual complaints lodged by passengers.

Is it possible in your Member State to settle passengers' complaints via alternative dispute resolution (ADR)? If so, please specify how this process operates (which body, which process?).

In the Republic of Croatia, a specific mechanism for alternative dispute resolution (ADR) has been established, namely: the Mediation Centre of the Croatian Chamber of Trades and Crafts, the Mediation Centre at the Croatian Chamber of Commerce, the Mediation Centre at the Croatian Mediation Association, PROFITEST Ltd, the Mediation Centre "Mediator", and the Court of Honour of the Croatian Chamber of Trades and Crafts.

Here we will outline some of the processes of the mediation centres. Mediation Centre of the Croatian Chamber of Trades and Crafts – The Mediation Centre of the Croatian Chamber of Trades and Crafts (established in 2004) offers members of the Chamber and their partners the possibility of amicable dispute resolution through mediation. The procedure is initiated by a proposal for mediation and may be conducted in Zagreb, regional offices (Split, Rijeka, Osijek), or other cities by mutual agreement. The Centre's list includes over 100 trained mediators (judges, lawyers, tradespeople, etc.). Mediation is voluntary, confidential, and flexible – parties may withdraw at any time, and the presence of a lawyer is not mandatory. Disputes already before the courts may also be resolved through mediation. The Centre is notified by the Ministry of Economy and the European Commission as an authorised body for alternative dispute resolution of consumer disputes, including online disputes. According to the Statute of the Croatian Chamber of Trades and Crafts, it is mandatory to attempt to resolve disputes within the Chamber's system by mediation before proceeding to court. Mediation enables faster, cheaper, and more effective resolution of disagreements while preserving mutual trust and reputation.

Mediation Centre at the Croatian Chamber of Commerce – This Centre is notified as a body for alternative dispute resolution of consumer disputes by the Decision of the Ministry of Economy, Entrepreneurship and Crafts dated 11 May 2017, pursuant to Article 27(2) of the Act on Alternative Dispute Resolution of Consumer Disputes (Official Gazette, No. 121/2016), which implements Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes. The Decision also regulates the implementation of Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes. The Decision was published on 16 May 2017 on the website of the Ministry of Economy, Entrepreneurship and Crafts. In accordance with the said Decision, the Mediation Centre at the Croatian Chamber of Commerce is competent to resolve all domestic and cross-border online and offline consumer disputes between consumers residing in the European Union and traders residing in the Republic of Croatia. The European Commission has registered the Mediation Centre at the Croatian Chamber of Commerce, based on the Ministry's Decision, on its website on the Platform for Online Dispute Resolution of consumer disputes arising from domestic and cross-border online purchases.

PROFITEST Ltd. – A proposal to initiate mediation proceedings shall be submitted to the Secretary of the Centre via the Centre's website, who will request the other party to respond to the proposal, generally within no more than 14 days of receipt. If the other party objects to the mediation procedure or fails to respond within the specified timeframe, the mediation process shall be deemed unsuccessful. The party proposing or consenting to the mediation procedure

is deemed to accept the provisions of these Rules. During the mediation process, the parties shall refrain from initiating any other proceedings, whether judicial or arbitral, to resolve the dispute subject to mediation, except where such action is necessary to preserve their rights.

If the NEB takes a decision based on a complaint, is that decision binding on the railway undertaking or station manager?

Yes, the decisions made by HAKOM in relation to passenger complaints are binding on the railway undertaking and the station manager.

Does the NEB use a complaint form? Is the form available in English or any other language besides the official language(s) of your Member State? (Please provide a link or annex.)

HAKOM does not use a specific complaint form. There are instructions available for passengers on how to submit a complaint at: <https://www.hakom.hr/hr/kako-se-zaliti/2132>

Are passengers generally aware of the possibilities to submit complaints?

Yes, there is a high level of passenger awareness regarding the possibility to submit complaints. HAKOM's work and activities in the field of passenger protection and rights are visible through the implementation of inspector rulings and through decision-making. Moreover, in the analysis of consultations with representatives of railway passenger service users during the relevant research cycle, 58% of respondents stated that they were aware of their rights, while 42% had exercised their right to submit complaints and objections to the carrier. This data indicates a significant increase in the number of passengers actively engaging in the exercise of their rights and choosing to submit complaints and objections to the railway undertaking.

How does the NEB inform passengers on their complaint possibilities?

HAKOM, in its capacity as the National Enforcement Body (NEB), informs passengers about their rights and the possibility to submit complaints via its official website, informational brochures, and promotional and educational materials. In accordance with applicable regulations, the railway undertaking and the station manager are required to clearly display information on passenger rights at points of sale, on trains, and on their websites.

IV Complaint Statistics

Description of the Nature of Received Complaints and Analysis of Potential Patterns

Passenger complaints in rail transport generally pertain to delays and insufficient information regarding compensation rights, issues related to accessibility for persons with disabilities and reduced mobility, service quality (e.g. cleanliness, comfort, communication), and refunds for unused tickets.

Has there been any redirection of complaints to the NEBs of other Member States?

No.

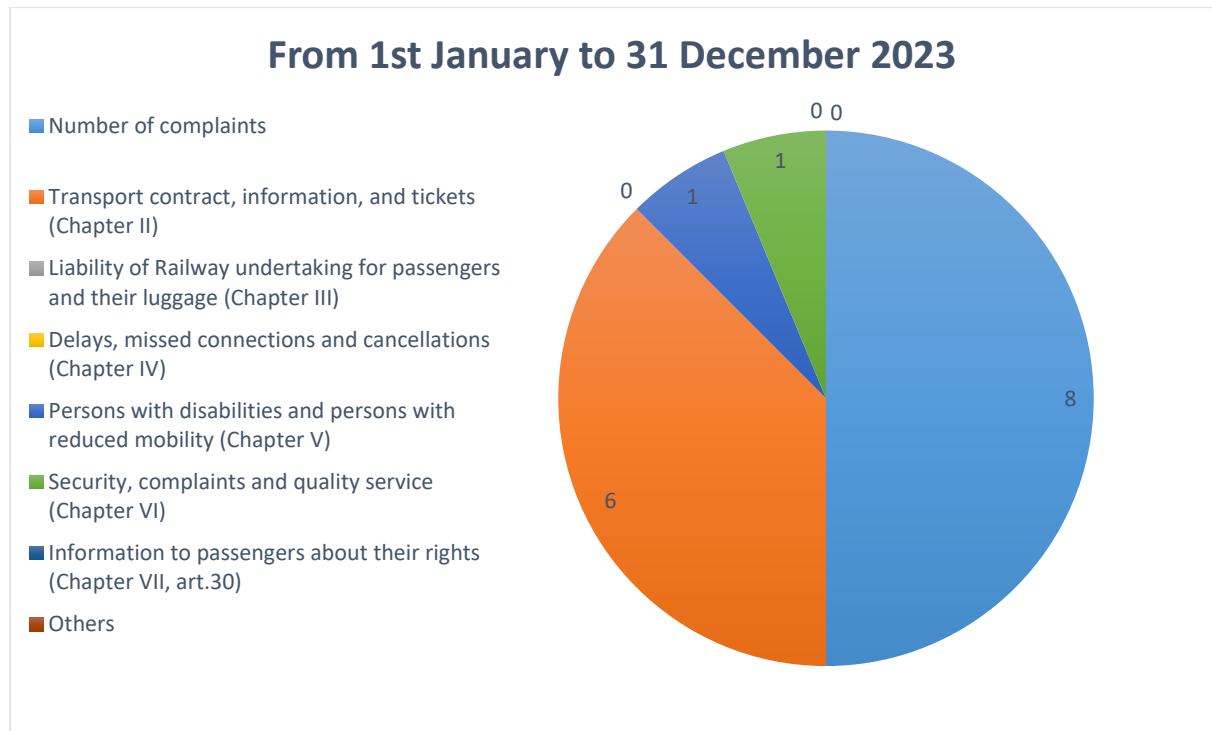
Statistics and Analysis:

Table 4.1 - Statistical data of complaints submitted to the National Enforcement Body									
Year	Number of complaints	Reason for complaint * If possible, please indicate the article from the corresponding Chapter.							Comments
		Transport contract, information, and tickets (Chapter II)	Liability of Railway undertaking for passengers and their luggage (Chapter III)	Delays, missed connections and cancellations (Chapter IV)	Persons with disabilities and persons with reduced mobility (Chapter V)	Security, complaints and quality service (Chapter VI)	Information to passengers about their rights (Chapter VII, art.30)	Others	
From 1 January to 31 December 2023	8	6	0	0	1	1	0	0	
From 1 January to 31 December 2024	11	0	0	4	3	2	0	2	

During the reporting period, HAKOM received 19 complaints relating to passenger rail transport.

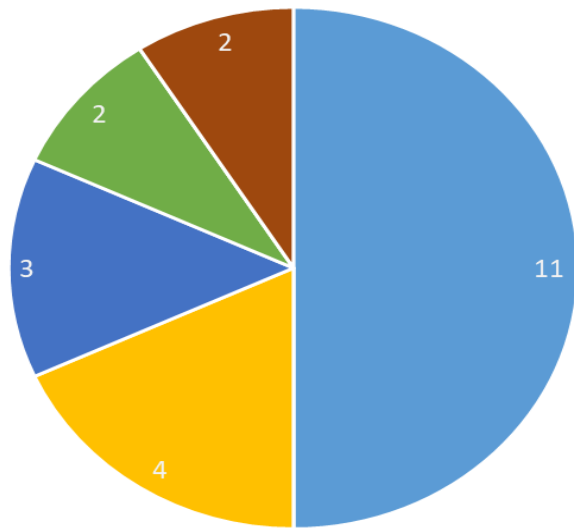
In 2023, eight decisions were issued, of which three passenger requests were dismissed, four proceedings were upheld, and one was rejected. The most frequent grounds for passenger complaints concerned the application of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations and the General Conditions of the Transport Contract (Tariff for Domestic Passenger Transport – Tariff 101), as well as the application of Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations, which came into force on 7 June 2023. These complaints primarily related to refunds for travel tickets, timetables, and information provided on the HŽPP website. In 2024, 13 passenger requests were received (two of which were submitted on 30 December 2024). Eight decisions were issued regarding passenger requests, namely: four requests were dismissed, one request was rejected, two requests were fully upheld, and one request was partially upheld. The most frequent reasons for passenger complaints concerned the implementation of Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations, and the General Conditions of the Transport Contract (Tariff for Domestic Passenger Transport – Tariff 101). These primarily related to refunds for travel tickets, quality standards, timetables, assistance for persons with disabilities, frequent delays, and passenger information.

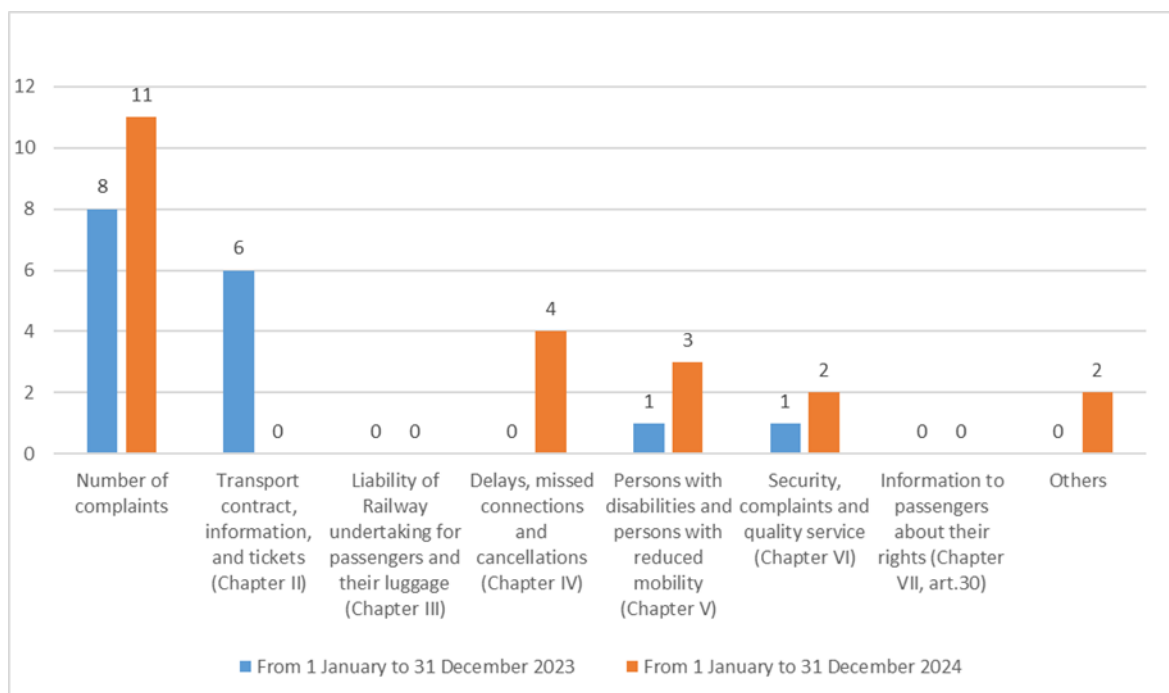
In the framework of this data reporting, please feel free to use diagrams in order to display the reason for complaint shares with a visual representing (see example below).



From 1st January to 31 December 2024

- Number of complaints
- Transport contract, information, and tickets (Chapter II)
- Liability of Railway undertaking for passengers and their luggage (Chapter III)
- Delays, missed connections and cancellations (Chapter IV)
- Persons with disabilities and persons with reduced mobility (Chapter V)
- Security, complaints and quality service (Chapter VI)
- Information to passengers about their rights (Chapter VII, art.30)
- Others





V Penalties

Information on the Rules of Penalties

Article 35(1) of Regulation (EU) 2021/782 stipulates:

Article 35(1) of Regulation (EU) 2021/782 provides that “Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and measures and shall notify it without delay of any subsequent amendment affecting them”.

Please provide a description of the national rules on penalties and sanctions and any amendments to the initial rules on this.

Under the Act on the Regulation of the Railway Services Market and the Protection of Passenger Rights in Railway Transport (Official Gazette, Nos. 104/17 and 31/25), Article 36 prescribes financial penalties for non-compliance with specific provisions of the Regulation, available here: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_104_2382.html

Due to the repeal of Regulation 1371/2007 and the conversion of HRK to EUR, amendments to the aforementioned national Act have been adopted, available here: https://narodne-novine.nn.hr/clanci/sluzbeni/full/2025_02_31_323.html

Please also provide information on any penalties imposed during the reporting period, as well as any corrective measures taken by the railway undertaking or station manager to whom the penalties relate.

During the reporting period, one financial penalty was imposed on a responsible person of a railway passenger undertaking for failure to comply with Article 18 of the Regulation, primarily Article 18(1), which concerns the failure to offer passengers a choice of possible options and to take the necessary measures in this regard when, at departure, or in the event of a missed connection or cancellation, it can reasonably be expected that arrival at the final destination, as set out in the transport contract, will be delayed by 60 minutes or more. On 22 April 2024, the railway undertaking was issued with an inspector's decision requiring compliance with Article 18 of the Regulation, accompanied by a warning of a financial penalty. The decision is available here:

https://www.hakom.hr/UserDocsImages/2024/odluke_rjesenja_presude/Rje%C5%A1enje%20inspektora_H%C5%BDPP_%C4%8Dlanak%2018.%20Uredbe%202021-782_20240422.pdf?vel=539452

As the railway undertaking continued to fail in fulfilling its obligation, an enforcement decision was issued, ordering the compulsory execution of the measure along with the imposition of a financial penalty in the amount of EUR 2,000.00. The decision is available here:

https://www.hakom.hr/UserDocsImages/2025/odluke_rjesenja_presude/2.%20Rje%C5%A1enje%20o%20prisilnom%20izvr%C5%A1enju_%C4%8DI.%2018.20241216.pdf?vel=640210

Please also include an analysis of the number of sanctions imposed in comparison with previous years.

Table 5 – Statistics on penalties imposed		
Year	Number of penalties:	Penalty or fine amount
From 1 January to 31 December 2023	0	0
From 1 January to 31 December 2024	1	2.000,00 EUR

VI Actions taken to implement and monitor the Regulation

Implementation and Monitoring of Chapter V – Accessibility and Information; Articles 23 and 24

How does the NEB monitor the non-discriminatory access rules, as well as on the accessibility of the information?

HAKOM supervises compliance through regular reviews of the websites of railway undertakings and station managers, as well as through the analysis of passenger complaints. Cooperation is also carried out with associations representing persons with disabilities to gain insight into the actual needs of passengers. HAKOM also cooperates with the Ombudsperson

for Persons with Disabilities, HŽ Passenger Transport Ltd (HŽPP), HŽ Infrastructure Ltd (HŽI), and the Ministry of the Sea, Transport and Infrastructure (MMPI).

How is the right to assistance for persons with disabilities and reduced mobility monitored?

Implementation is monitored through inspections, review of internal procedures of the railway undertaking, and statistics on the number and types of passenger complaints received. HAKOM also organises conferences and participates in professional events with representatives of organisations of persons with disabilities.

Does the NEB provide guidance on the implementation of this right?

Yes, although indirectly, through instructions and recommendations regarding the treatment of persons with disabilities and reduced mobility, primarily during decisions in individual cases or the resolution of passenger complaints. HAKOM's decisions contain interpretations of applicable regulations and guidance for the future conduct of railway undertakings and infrastructure managers.

Does the NEB keep records of websites? Does it carry out inspections at stations?

Yes. HAKOM monitors the publication of information on the official websites of railway undertakings and station managers and conducts inspections at stations to verify compliance with legal provisions.

What are the criteria for assessing station and information accessibility?

No formal criteria or evaluations of accessibility at service locations or of information have been established through inspections. Certain insights into accessibility were obtained through public consultations with representatives of railway passenger service users, based solely on the subjective assessments of the respondents.

Did all railway undertakings and station managers follow the requirements set out in Articles 23 and 24 to a satisfactory level?

Based on the analysis of passenger complaints received, it can be concluded that the railway undertaking and station manager have acted in accordance with Articles 23 and 24.

Implementation and Monitoring of Article 26 – Disability-Related Training

How does the NEB monitor the implementation of training? Does it have relevant data?

HAKOM collects reports from railway undertakings and infrastructure managers on training carried out. These reports include the number of trained employees and the content of the training sessions.

What does HAKOM pay particular attention to?

Particular emphasis is placed on the quality of training content and the frequency of its delivery.

Have all entities met the requirements under Article 26?

In cooperation with the Faculty of Electrical Engineering and Computing (FER), HAKOM organised several workshops aimed at educating employees of HŽ Passenger Transport Ltd (HŽPP) and HŽ Infrastructure Ltd (HŽI) on assisting persons with disabilities and reduced mobility during rail travel. Enhanced training and increased awareness of the challenges faced by these individuals are key components of HAKOM's "Accessibility" project. The workshops were based on analyses and research involving Croatian organisations of persons with disabilities, whose input was crucial to understanding the real needs of this group of citizens. As part of the same project, HAKOM also collaborated with the Association for Persons with Cerebral and Childhood Paralysis Zagreb – CeDePe, which, together with its users, conducted research on the accessibility of railway passenger transport and infrastructure.

Implementation and Monitoring of Articles 18, 19 and 20 – Reimbursement, Re-routing, Compensation and Assistance**How does the NEB monitor the enforcement of passengers' rights in these cases?**

HAKOM monitors the implementation of these rights through the analysis of received complaints and the conduct of inspection supervision.

How is sufficient assistance ensured?

The NEB imposes measures and monitors their implementation. Inspections are also carried out.

Are there any known issues?

The most frequent issue is the absence of information or untimely communication with passengers by the railway undertaking.

Implementation and Monitoring of Article 30 – Passenger Rights Information**How the NEB monitors that the passengers receive information on their passenger rights?**

Through regular monitoring of websites, the distribution of leaflets and promotional materials. The NEB verifies through inspections whether information is available in visible locations at stations and on trains.

Have any guidelines been issued?

Yes, indirectly, through administrative and non-administrative cases as well as inspection supervision, which provide additional clarification to railway undertakings and station managers regarding their obligation to inform passengers.

How is the information provided and accessibility ensured?

Information is provided via websites, posters, announcements at stations, and through staff on the ground.

Does the NEB conduct inspections?

Yes.

Implementation and Monitoring of Article 33 – Complaint Handling

How does the NEB monitor the establishment of complaint-handling systems?

HAKOM regularly reviews the websites of railway undertakings and station managers and collects information on their complaint-handling procedures.

VII Conclusion and evolutions observed since the previous reporting

In comparison with the previous bi-annual report provided by your NEB, identify any positive / negative evolution concerning the enforcement of Regulation (EU) 2021/782. Any recommendations to the Commission would be welcome.