

Dispute resolution for conflicts between passengers and operators

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Introduction

Half a year ago, the German "Schlichtungsstelle Mobilität" (dispute resolution office for mobility) was established in affiliation to the Verkehrsclub Deutschland (VCD). This presentation gives a short overview of the experiences so far.

The Schlichtungsstelle provides mediation between passengers and transport operators before legal action is taken. It deals with all kinds of problems related to a rail, bus, air or ferry trip: Delays, overbooking, missed connections, wrong information, overpriced tickets, excessive fees or poor service. The VCD mediators take care of all matters as long as they are related to a long-distance trip.

It is a precondition that passengers complain first to the transport enterprise which caused the troubles. If the complaint is unsuccessful, the passenger has not got an answer after four weeks or is dissatisfied with the result, s/he can call the Schlichtungsstelle Mobilität (by email, post or fax). The Schlichtungsstelle will suggest a neutral settlement and send this to the transport enterprise and to the passenger. Both can decide during four weeks to accept or reject this proposal.

The responsibilities of the Schlichtungsstelle are limited and refer only to long distance travel. Hence it is not responsible for local traffic and package tours. This project is subsidized by the German Ministry of Consumer Protection, Food and Agriculture.

1 Tasks and issues handled by the Schlichtungsstelle

We received a lot of different concerns from the first day. After the starting period there was a big variation between complaint reasons and transport mode. Up to the first interim report from March 2005, most cases belonged to long distance rail travel. However, now air travel is of equal importance. Other modes like bus or ferries play only a little role.

By mid July we counted over 1000 contacts with passengers and 920 cases. 690 of these could so far previously be dealt with completely. This is the case if a passenger received an expert answer, if the case was outside of our remit and needed to be referred to another organisation or if a settlement proposal was sent out.

Mode	No. of cases
Rail	505
Air	332
Bus&ship	3
Package tours	80

Bei der Bahn sind am häufigsten Probleme durch Verspätung Anlass für Beschwerden, häufig in Kombination mit Folgekosten (z.B. verpasste Anschlussreisen). Die genaue Verteilung sah zum Zeitpunkt der ersten Bestandsaufnahme wie folgt aus, bezogen auf alle abgeschlossenen Fälle, die den Eisenbahnverkehr betrafen.

Many complaints on railways are caused by delays and missed connections, sometimes in combination with further costs (e.g. missed connection to another transport mode). Up to our March report, these could be allocated as follows (railways only):

Problem	%
Delays	30
BahnCard	14
General inquiries	13

Penalty fares		10
Ticket refunds		7
Service	7	
Incorrect information		5
Online Ticket		4
Ticket machines		3
Ticket exchange		2
Seat reservation	2	
Other		2
Luggage		1

Bei der Bearbeitung der Beschwerden, die die Bahn betreffen, und den ggf. erfolgreichen Schlichtungsvorschlägen ist die Kooperationsbereitschaft der DB AG bisher sehr hoch. Hervorzuheben ist hierbei die gute Zusammenarbeit mit der Abteilung „Kundendialog“. Erste Erfolge und kommende Aufgaben neben der Hilfestellung, die die individuellen Fahrgastanliegen sehr häufig zu akzeptablen Lösungen geführt hat, sind weitere positive Entwicklungen im Sinne einer Besserstellung der Nutzer ablesbar.

So far, there is a very good cooperation with the German Railway “Deutsche Bahn”. We would like to point out the constructive role played by the customer relation department “Deutsche Bahn Kundendialog”. We reach acceptable solutions in many individual cases and expect further improvements to the customer in the future.

2 Experiences and outlook

The customer’s position will be strengthened in general. The enforcement of the current passenger expectations is alleviated - not alone by the fact that there is no risk of legal action costs. The quality of trouble shooting and feedback from the transport operator will increase. Our assessment of the individual cases creates more precise judgments - better and more precise than what routine complaints handling can do.

However, the Schlichtungsstelle assumes a neutral position. We also reject complaints if the passenger’s requests are going too far. This may be more convincing for them if we communicate this to the passenger instead of the transport operator involved.

Because we stay in touch with the passengers who feel treated badly and because of the intensive analysis of the cases, we are also building up the competencies to make qualified comments on structural problems in the transport system. We do this by informing the operators, the politician and the Ministry.

Last not least: Courts will be relieved through an out-of-court agreement. The work on cases will also be our main activity in the future. Linked to this is the research of the legal situation and possible foundations for compensation claims. Another topic is the PR-work for the Schlichtungsstelle. We use many different methods, e.g. advertising campaigns, the internet and presentation on conferences like today.

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