



National Transport Authority

**Republic of Ireland National Enforcement Body
Activity Report 2015**

**Rights of Passengers travelling by Bus and Coach
Regulation (EU) No 181/2011**

September 2015

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1. Introduction

Under the provisions of Article 29 of the Regulation (EU) 181/2011, the National Enforcement Bodies (NEBs) of each EU Member State are required to publish a report on their activities in the previous 2 calendar years.

The National Transport Authority is the designated National Enforcement Body for passenger rights in Ireland. The NTA's role as the Irish NEB is prescribed in national regulations (S.I. no 152 of 2013). These regulations also set out the penalties that can be imposed in cases of non-compliance (on summary conviction the operator is liable to a class B fine up to €4,000). No sanctions have been imposed to date – complaints have been resolved with the operator without the need for infringement notices or fines. Ireland has not applied for any exemption under Articles 2(4) and 2(5) of the Regulation.

2. The Irish National Enforcement Body

The National Transport Authority is a statutory body established by the Minister for Transport on 1 December 2009. The Authority's remit is provided for under the Dublin Transport Authority Act 2008, the Public Transport Regulation Act 2009 and the Taxi Regulation Act (2003) for securing the provision of public passenger land transport services, licensing of public bus passenger services, regulation of the small public service vehicle sector, the provision and operation of a smartcard integrated ticketing scheme and integrated information schemes for public transport and all associated administrative activities. The Authority is also the national enforcement body responsible for the rights of passenger travelling by rail or on sea ferries and bus and coach. The commission for aviation regulation is responsible for air passenger rights in Ireland.

The NTA also has responsibility for the development of an integrated transport system within the [Greater Dublin Area](#) (GDA). The principal functions of the NTA with respect to the GDA are:

- strategic planning of transport;
- development of an integrated, accessible public transport network;
- promoting cycling and walking;
- provision of public transport infrastructure generally including light rail, metro and heavy rail;
- effective management of traffic and transport demand.

In addition to its statutory responsibilities, the Authority has various arrangements with the Department of Transport, Tourism and Sport to discharge functions on its behalf with regard to the following:

- Regional cities traffic management
- National Accessibility Programme
- Smarter Travel Workplaces
- Smarter Travel schools
- Rural Transport
- Oversight of Irish Rail Infrastructure Manager Contract
- Bus Éireann fleet acquisition, outside the GDA.

The Authority is financed by central government. We currently have a staff of approximately 100, across a range of areas, planners, engineers, economists, accounts, IT, admin, communications.

3. Background Information on the Bus Market in Ireland

The bus market in Ireland is divided into 2 sectors, services which are socially necessary but commercially unviable and services which are provided on a commercial basis for profit.

Subsidised Sector (PSO)

Socially necessary but commercially unviable services are funded by the State and are provided under contract to the National Transport Authority. These subsidised services are subject to a Public Service Contract and are required to deliver Public Service Obligations (PSO). The majority of PSO services are provided by two state owned companies, Dublin Bus and Bus Éireann.

Public Service Contracts were by direct award to the two state owned companies in 2009. In 2013 the first Public Service Contract was awarded to a non-state owned company following a public tender and a number of similar procurements and services have followed since then.

10% of the contracted services currently carried out by both Dublin Bus and Bus Éireann will be opened to the market in 2016.

Table 1: Annual Passenger Journeys (millions)

Year	Dublin Bus	Bus Éireann	Licensed Bus Services	Rural Transport
2012	113.28	28.63	-	-
2013	112.49	28.64	20.10	-
2014	116.26	29.69	20.63	1.76

Dublin Bus provide the bulk of city services in Dublin and provide the most passenger journeys in Ireland. Bus Éireann provide the majority of PSO services outside of Dublin. This includes

PSO services in the regional cities and towns, interurban/intercity services and services which originate outside of Dublin but have a destination within Dublin.

The Rural Transport Programme provides bus services in many isolated areas of rural Ireland with journeys tending to be local in nature and approximately 75% of them being delivered door to door. The National Transport Authority took over the management of the programme, which is grant aided by the state in 2012.

Commercial Services

Commercial bus passenger services operating anywhere within the State are licensed by the National Transport Authority. Any person or party may apply for a licence. These licenced services are often called “commercial” bus services because they are operated without any public subsidy. Many of the services do receive free travel payments from the Department of Social Protection for carrying passengers who are entitled to free travel.

The state owned companies Dublin Bus and Bus Eireann also provide commercial services under licence.

The total number of passenger journeys on commercial services represents 12% of the total travel on public bus passenger journeys in the State.

4. Complaint Handling

The Authority acts as an appeals body only and passengers are obliged to make their complaint to the relevant operator in the first instance. If the individual is not satisfied with the outcome of their complaint or if they do not receive a response they can bring their complaint to the attention of the Authority. The Authority will decide if it is a valid complaint under the regulations and if so conduct a full investigation. Passengers can submit their complaint in writing, by email or by filling out the online complaint form on the Authority’s website.

The Authority received a total of 4 complaints during the period 1st March 2013 – 1st March 2015 only one of which was covered by the regulation. This related to lack of information on the ticket price and was resolved in favour of the passenger. The Authority also facilitates complaints which are outside of its jurisdiction by passing them on to the relevant NEB’s in other countries. This year the Authority intends to distribute a compliance questionnaire to operators which will provide information on levels of compliance and number and nature of the complaints received by operators.

Statistical Data:

Year	Number of complaints	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance):	Comments (if any):
From 1 March 2013 – 28 February 2014	3	Lack of assistance, long delay, reimbursement of ticket price	See summary table below
From 1 March 2014 – 28 February 2015	1	Lack of information on ticket price	Concluded in favour of passenger

Complaints under EU Regulation - Bus and Coach 181/2011

Date	Mode	Nature of Complaint	Regulations 181/2011	Decision/Outcome
12 th August 2013	Bus/Coach	Refusal to accept booking on the grounds of inability to carry guide dog	Not applicable – coach tours exempt as they are occasional services	Brought matter to attention of the operator. A policy change was implemented and they will carry guide dogs in future matter concluded in favour of passenger
2 nd September 2013	Bus/Coach	Compensation for strike – reimbursement on Annual ticket	Not applicable Journey <250km	Not applicable
9 th September 2013	Bus/Coach	Long delay	Not applicable Journey <250km	Not applicable
7 th February 2014	Bus/Coach	Refund of booking fee charged on an open return	Lack of Information on ticket price	Concluded in Favour of Passenger

5. Guidance and Enforcement

Passenger rights form an integral part of the PSO contracts between operators and the NTA. Our website provides a comprehensive summary of the regulations and where to go for additional information. It also contains a link to our online complaint form for passengers who wish to submit a complaint to us.

As the regulations are relatively new in this sector the NTA proposes to conduct a series of site visits, monitoring of operators website information and later this year the Authority will circulate a compliance questionnaire to operators to get a feel for the number and nature of complaints received by operators, the level of awareness of the regulations and the levels of compliance with the regulations.

The Authority works closely with the Department of Transport's Accessibility Consultative Committee on issues relating to accessible transport. The main stakeholders representing passengers with reduced mobility and other transport interest groups are represented on the committee. In addition the Authority liaise with the accessibility officers in each of the main operators