



## National Transport Authority

Republic of Ireland National Enforcement Body

Activity Report 2019

Rights of Passengers travelling by Bus and Coach

Regulation (EU) No 181/2011

**December 2019**

## Contents

Introduction.....	3
The Irish National Enforcement Body.....	3
The Bus Market in Ireland.....	4
Passenger Rights.....	5
Complaint Handling.....	6
Guidance and Enforcement.....	6
Accessibility.....	7

## 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.

## 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 (2013) 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 and inland waterways 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 grants
- National Accessibility Programme
- Smarter Travel Workplaces and campuses
- Smarter Travel schools
- Rural Transport

The Authority is financed by central government. It currently has a staff of approximately 354, across a range of areas including planners, engineers, economists, accounts, IT, admin, and communications.

#### [Background Information on the Bus Market in Ireland](#)

The bus market in Ireland is divided into 2 sectors, services which are socially necessary but not generally commercially viable and services which are provided on a commercial basis for profit.

There are two types of public transport services contract. They are:

- Net cost contracts under which the operator retains all fare revenue. The Authority's contracts with Dublin Bus, Bus Éireann and Iarnród Éireann (Irish Rail) fall into this category;
- Gross cost contracts under which the Authority retains all fare revenue. All competitively tendered contracts currently fall into this category including the Go-Ahead Ireland and Luas light rail contracts.

The Authority also contracts with a large number of operators to provide rural transport services nationally through the Local Link Programme. These are gross cost contracts which are competitively tendered. In addition, the Authority has direct award contracts with a small number of fleet owning Local Link groups to provide transport services.

Operator / Programme	Service Type	Contract Type	Operational Area/Route
Dublin Bus	Bus	Direct Award	Dublin Metropolitan
Bus Éireann	Bus	Direct Award	National (Excluding Dublin)
Rural Transport Programme	Bus / Demand Responsive Transport	Various	National
Tendered Services	Bus	Tendered	Various

### Direct Awards

Public Service contracts have been delivered under direct contract awards by the two state owned companies since 2009. The Authority is statutorily obliged to consult with stakeholders including operators and users of the bus services in question in advance of any decision to directly award bus contracts. In November 2019, the Authority decided to enter into further direct award contracts with Dublin Bus and Bus Éireann for a five-year period from December 2019. It contained a provision in the Bus Éireann contract that a small number of specified routes be removed from the contract and competitively tendered during 2021. The Authority subsequently commenced the preparation of replacement direct award contracts, which will include additional measures to improve operational performance at an individual route level.

### Competitively Tendered Contracts

In 2013 the first public service contract was awarded to a non-state owned company following a successful public tender. Since then a number of similar procurements have taken place and in 2016 a successful tender process was completed for approximately 10% of the PSO bus network. These services were provided on an incremental basis and are now fully operational.

Table 1: Annual Passenger Journeys (millions)

Year	Dublin Bus	Bus Éireann	Licenced Bus Services	Rural transport
2017	136.2	31.1	25.78	7.3
2018	140.0	35.3	27.51	9.2
<b>Increase</b>	<b>3.8%</b>	<b>4.2%</b>	<b>1.74%</b>	<b>1.9%</b>

Dublin Bus provide the bulk of city services in Dublin and support 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 Éireann also provide commercial services under licence.

Commercial bus services represented 18.9% of all bus journeys in Ireland in 2017 and 19.7% in 2018.

### Passenger Rights

The Authority is the designated enforcement body in Ireland for EU Regulations concerning the rights of passengers when travelling by rail, sea and bus / coach. Those rights include non-discrimination and assistance for disabled persons and persons with reduced mobility, provision of information to all passengers before and during their journey, assistance to all passengers in the event of delays and, in certain circumstances, compensation for delays and cancellation of journeys.

The number of journeys >250km in the PSO and licenced sector in the state is less than 1%. Therefore EU Regulation 181/2011, which provides additional rights to protect passengers bus/coach passengers for such journeys does not apply to most services as these rules only apply to regular services of more than 250km.

### 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 also facilitates complaints which are outside of its jurisdiction by passing them on to the relevant NEB's in other countries.

The Authority did not receive any complaints under the regulation in the period 2017 – 2018.

#### Statistical Data:

Year	Number of complaints	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance)
From 1 January 2017 – December 31 <sup>st</sup> 2018	0	-
From 1 January 2018 – December 31 <sup>st</sup> 2019	0	-

The Authority received 3 complaints under the regulation but none qualified as the distance travelled was less than 250km.

#### Guidance and Enforcement

Passenger rights form an integral part of the PSO contracts between operators and the NTA. Monitoring of the contractual obligations is carried out on a quarterly basis, with operators reporting directly to the National Transport Authority.

Monitoring of licenced services is carried out by the Public Transport Regulation Division Bus Licencing Compliance team. This team under takes on-going monitoring, both overt and covert, of licensed services throughout the State.

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.

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.

#### Accessibility

The NTA is actively committed to ensuring that new public transport services and infrastructure are fully accessible. A number of bus stations are currently accessible but more work is required on some of the key bus stations. Funding has been allocated and a



programme of upgrading has been initiated. The 2018 budget included a multi-annual allocation of almost €28m for the accessibility retro-fit programme for the period up to 2027. This will facilitate the continued roll-out of the programme to improve accessibility across the public transport network.