

**National Transport Authority**

**Republic of Ireland National Enforcement Body**

**Activity Report 2021**

**Rights of Passengers travelling by Bus and Coach**

**Regulation (EU) No 181/2011**

**November 2021**

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**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 two calendar years.

The National Transport Authority (NTA) is the designated NEB for Bus and Coach 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

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 NTA is a statutory body established by the Minister for Transport on 1 December 2009. The NTA’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 NTA 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](http://www.nationaltransport.ie/faq.html#gda) (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 NTA has various arrangements with the Department of Transport 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 NTA 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 two 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.
* Gross cost contracts under which the NTA retains all fare revenue. All competitively tendered contracts currently fall into this category.

The NTA also contracts with a large number of operators to provide rural transport services nationally through the Local Link Programme. These are a mixture of gross cost contracts which are competitively tendered as well as a small number of net cost direct award contracts with 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 contacts have been delivered under direct contract awards by the two state owned bus companies, Dublin Bus and Bus Éireann, since 2009. The NTA 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 NTA 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 instead be competitively tendered during 2021.

Work continued on transitioning the NTA’s direct award contracts with Dublin Bus, Bus Éireann from net cost contracts to gross cost contracts.

However, progress on a transition to monitoring and incentivising of service performance at an individual route level was delayed due to uncertainties in the operating environment as a result of Covid-19.

**Competitively Tendered Contracts**

In January 2020, the phased transfer to Go-Ahead Ireland of commuter bus routes between Kildare and Dublin was completed with the operator taking over the operation of Routes 120 and 120C from Bus Éireann. A number of improvements to services were made and services were also re-numbered to better match service variations.

In early June, the Authority invited operators to submit tenders for the operation of Route 975 between Cavan and Longford. The evaluation of submissions received was completed in December.

The Authority extended the terms of a number of existing contracts as follows:

* contract with M&A Coaches in respect of Route 828 between Cashel and Portlaoise was extended from August 2020 to June 2021;
* contract with Andrew Wharton in respect of Route 975 between Cavan and Longford was extended from September 2020 to March 2021; and
* contract with Bernard Kavanagh & Sons Limited in respect of Route 817 between Dublin and Kilkenny extended from December 2020 to June 2021.

**Passenger Numbers**

Covid-19 had a devastating impact on public transport patronage from March 2020 onwards due to the necessity to impose restrictions on people’s movements and on the number of passengers permitted on public transport vehicles in order to ensure the safety of passengers and prevent the spread of Covid-19.

|  |  |
| --- | --- |
| Bus Service Passenger Trips (in millions) | Percent of Total |
| **Year** | **Commercial Bus Services** | **Total PSO Bus Services** | **Total Bus Passengers** | **Commercial Bus Passengers**  | **PSO Bus Passengers** |
| 2019 | 30.52 | 196.2 | 226.72 | 13.5% | 86.5% |
| 2020 | 9.43 | 100.6 | 110.03 | 8.6% | 91.4% |

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 local bus services throughout Ireland, city and town bus services, and commuter bus services radiating from Dublin, Cork, Limerick, Galway, and Waterford.

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 NTA took over the management of the programme, which is grant aided by the State, in 2012.

**Commercial Services**

Commercial public bus passenger services operating within the State are licensed by the NTA under the Public Transport Regulation Act 2009. Any person or party may apply for a licence. These licenced services are often called “commercial” bus services because they are operated without any subsidy from the NTA. Some do, however, take part in the Department of Social Protection’s Free Travel Scheme and receive payments for the fare forgone for carrying passengers entitled to free travel. The two state owned bus companies also provide commercial services under licence.

In 2020, the combination of low passenger demand and restricted vehicle capacity due to Covid-19 quickly made the majority of licensed bus services financially unviable after the arrival of the disease in March. That month, the NTA acted quickly to notify licensed operators that individual services or complete licences could be suspended in response to the collapse in passenger demand due to Covid-19. This arrangement ensured that licensed operators were able to minimise financial losses. Those that continued to operate were only able to offer significantly curtailed services.

In June 2020, the NTA received approval from Government to administer a funding scheme to support the provision of essential bus services by licensed operators. Following extensive engagement with operators, valid applications were received from 64 operators. Following detailed analysis, the Authority concluded emergency direct award contracts with 16 operators while 48 operators received grant assistance in accordance with European Commission rules governing De Minimis grant aid.

**Passenger Rights**

The NTA 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 greater than 250km in the PSO and licenced sector in the State is less than 1%, thereby limiting the scope of the regulation in Ireland.

**Complaint Handling**

The NTA 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 NTA. The NTA 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 NTA’s website. The NTA also facilitates complaints which are outside of its jurisdiction by passing them on to the relevant NEB’s in other countries.

The NTA did not receive any complaints under the Regulation in the period 2019 – 2020.

**Statistical Data:**

|  |  |  |
| --- | --- | --- |
| **Year** | **Number of complaints** | **Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance)** |
| From 1 January 2019 – December 31st 2019 | 0 | - |
| From 1 January 2020 – December 31st 2020 | 0 | - |

**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 NTA.

Monitoring of licenced services is carried out by the Regulation Division Compliance team. This team undertakes 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.

**Accessibility**

The NTA 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 NTA liaises with the accessibility officers in each of the main transport operators.

The NTA is actively committed to ensuring that new public transport services and infrastructure are fully accessible. A total of €28 million has been made available for accessibility retrofit projects 2018 – 2021. The allocations for 2019 and 2020 are detailed in the table below

**Accessibility Funding 2019 - 2020**

|  |  |
| --- | --- |
|  2019 | 2020 |
| €5.5 million | €7.3 million |

The approved projects include accessible bus stops, bus station upgrades, travel assistance programme and education and training.