

**National Transport Authority**

**Republic of Ireland National Enforcement Body**

**Activity Report 2021**

**Rights of Passengers travelling by Sea and Inland Waterway**

**Regulation (EU) No 1177/2010**

**November 2021**

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**Regulation (EU) No 1177/2010**

1. **Introduction**

Under the provisions of Article 26 of the Regulation (EU) 1177/2010, 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 maritime passenger rights in Ireland. Ireland has not applied for any exemption under Articles 2(4) and 2(5) of the Regulation.

The NTA’s role as the Irish NEB is prescribed in national regulations (S.I. no. 394 of 2012). These regulations also set out the penalties that can be imposed in cases of non-compliance.

1. **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](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 Authority 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 Authority is financed by central government. We currently have a staff of approximately 354, across a range of areas, planners, engineers, economists, accounts, IT, admin and communications.

1. **Background Information on the Maritime Sector in Ireland**

The Maritime transport market in Ireland can be split into 2 sectors the domestic sector and the international sector.

**Domestic Passenger Market**

The domestic sector is primarily services from the mainland to a number of islands off the coast of Ireland. There are two types of service:

* Services subsidised by the Department of Arts, Heritage, Gaeltacht and the Islands. These services run on all round year basis.
* Private commercial services no subsidy provided. These services tend be operated on a seasonal basis during the summer months.

In addition there are a number of ferry services operating between 2 points on the mainland. All operators hold a passenger ship certificate issued by the Department of Transport. Figures for passengers carried on the subsidised services in are set out in Table 1 below.

**Table.1. No of Passengers carried on subsidised Ferry services to offshore islands by year.**

|  |  |  |
| --- | --- | --- |
| **Year** | **2019** | **2020** |
| No of Passengers | 490,357 | 268,165 |

**The International Passenger Market**

The international passenger market is centred on 3 ports in Ireland namely Dublin (Dublin Port), Rosslare and Cork. The services are all operated on a commercial basis by operators using non Irish flagged vessels. The services are to destinations in the United Kingdom, Spain and France. These services are operated all year round and cater for both foot passengers and passengers with cars. An additional summer service operates to the Isle of Man together with enhanced capacity on the Dublin France route during the summer season. All vessels operating on the routes hold Passenger Ship Certificates from the Department of Transport. The figures below are for total passenger journeys into and out of Ireland 2019- 2020. With the onset of the COVID-19 pandemic in March 2020 passenger numbers fell dramatically with the total number of passengers for 2020 only 27% of the 2019 figure.

**Table.2. International Passenger journeys embarking and disembarking in Ireland in 2019 - 2020 by Port.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Port**  | **Cork** | **Dublin Port** | **Rosslare** |
| 2019 | 113,346 | 1,778,698 | 581,613 |
| 2020 | 9,083 | 513,118 | 150,405 |

**Cruise Ships.**

There are also a number of ports which are stops on cruise lines operation. The main ports that engage in the cruise industry are Dublin and Cork. The ports of Galway, Waterford and Dun Laoghaire also have cruise ship calls but these are to a lesser extent. The Table below provides details of the number of cruise ships and cruise passengers visits to Irish ports. As with international travel the onset of COVID-19 in March 2020 had a serious impact on cruise traffic with only 3 ships visiting the country in 2020 compared to 315 in 2019

**Table.3. Cruise ships and cruise passenger visits in Ireland during 2019 and 2020**

|  |  |  |
| --- | --- | --- |
| **Year** | **2019** | **2020** |
| Cruise ships visits | 315 | 3 |
| Passenger numbers | 432,000 | 1,819 |

**Impacts of Brexit on maritime transport services**

Throughout 2020, maritime transport services have seen a significant increase in capacity and frequency of direct services to continental EU ports on existing routes such as Cherbourg, Roscoff and Santander carrying both freight and passengers.

A number of new routes have also been established to the following ports - Dunkerque, Zeebrugge, Rotterdam, Amsterdam, Antwerp. Whilst the new routes are freight only at present there are plans to carry passengers on the Rosslare – Dunkerque route from 2022.

1. **Complaint Handling**

Passengers can submit complaints directly to the operator or to the Authority. On receipt of a complaint directly to the Authority, we would advise passengers to contact the operator directly if they have not already done so. On receipt of a passenger complaint 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.

In 2019, the Authority received a total of 35 complaints, 33 of which concerned re-routing, re-imbursement and compensation for long delay. 2 complaints concerned customer care issues and fell outside the scope of the regulation and were referred to the individual operator.

In 2020 the Authority received a total of 54 complaints. 41 complaints related to COVID-19 where the passenger was unable to travel due to public health advice resulting in the passenger cancelling their journey. The Regulation does not specifically address situations where passengers cannot travel and as a consequence they cancel their journey.

9 complaints related to cancellation of sailings by the operator resulting in the operator offering re-imbursement in the form of a voucher only, notwithstanding the fact that the customer had requested the re-imbursement be made in cash. All 9 complaints were resolved in favour of the passenger.

Two complaints received fell outside the scope of the regulation and were referred directly to the operator.

A further 2 complaints concerning rescheduling of the original journey time are currently under investigation by the Authority.

**Statistical Data:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Year** | **Total number of complaints received** | **Total number of valid complaints received** | **Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance):** |
| 2019 | 35 | 33 | Re-routing Re-imbursement and compensation for delayed/cancelled sailings |
| 2020 | 54 | 11 | Cancellation of sailing and lack of cash re-imbursement (offer of voucher only) |

1. **Guidance and Enforcement**
* **Enforcement**

In October 2018, the Authority issued 2 notices concerning infringements of Articles 18 and 19 of the Maritime Regulation. In March 2019, High Court proceedings were initiated by the operator and the court put a “stay” on the Authority’s Decision, Article 18 Notice and/or the Article 19 Notice coming into effect pending the outcome of the proceedings.

An application by the parties to refer certain matters on the interpretation and applicability of the Maritime Regulation to the CJEU (Court of Justice of the European Union) was heard by the High Court, and the High Court decided on the 19th July 2020 to refer these matters to the CJEU.

On 2 September 2021 the Court of Justice of the European Union (the “**CJEU**”) delivered its judgement. This is the first CJEU judgment concerning the interpretation and application of the “Maritime Regulation”, and provides clarity for NEB’s, maritime carriers and passengers in relation to the application of, and interpretation of, certain aspects of the Maritime Regulation, in particular matters pertaining to the application of articles 18 and 19 of the Regulation.

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=238469&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1>

* **Guidance**

 Our website <https://www.nationaltransport.ie/eu-passenger-rights/eu-maritime-passenger-rights/>

 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 in association with the Department of Transport has produced a number of guidance documents specifically for passengers, carriers and port terminal operators. These guidelines are available on request from the Authority and are also available on the Department’s website.

<https://www.gov.ie/pdf/19117/?page=1>

<https://www.gov.ie/pdf/19120/?page=1>

<https://www.gov.ie/pdf/19122/?page=1>

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.