

Introductory Statement from Anne Graham, Chief Executive Officer, National Transport Authority

Chairperson and members of the committee, thank you for the invitation to attend. I understand that the committee wishes to focus today upon **the impact on transport of the withdrawal of the United Kingdom from the European Union**. To assist me in dealing with the committee's subsequent questions, I am joined by Ms Anneliese Jones, public transport regulation manager with the National Transport Authority.

Before dealing with the specific area of focus, I would like to set the context by providing a brief overview of the remit of the National Transport Authority in the provision of public transport services.

Remit of the Authority

The remit of the National Transport Authority is to regulate and develop the provision of integrated public transport services - bus, rail, light rail and taxi - by public and private operators in the State, to secure the development and implementation of an integrated transport system within the greater Dublin area, and to contribute to the effective integration of transport and land use planning across the State. In addition to its statutory responsibilities, the National Transport Authority has various arrangements with the Department of Transport, Tourism and Sport to discharge functions on its behalf. This includes the assignment of responsibility to the National Transport Authority for integrated local and rural transport, including provision of the rural transport programme. The National Transport Authority is therefore an agency that implements Government and departmental policy in line with its legislation. The Department of Transport, Tourism and Sport play a key role in managing any change in legislation or regulation required for the management of cross-Border public transport services.

Responsibilities of the Authority with regard to public transport services provision

The National Transport Authority is responsible for securing the provision of public transport services through two specified mechanisms, public service contracts, where services cannot be provided on a commercial basis, and the licensing of public bus services, which are

operated on a commercial basis. The main relevant legislation is the Dublin Transport Authority Act 2008 and the Public Transport Regulation Act 2009, as amended by the Vehicle Clamping Act 2015 and the Public Transport Act 2016.

The focus of my statement today is on the regulation of cross-border bus services and to give you an update since my last statement to this committee. I believe my colleagues from Iarnród Éireann will update you on cross-border rail services.

Cross-border bus services

Currently all bus and coach traffic to and from the UK is regulated by Regulation (EC) No. 1073/2009, on the common rules for access to the international market for coach and bus services. This Regulation applies to regular, special regular, occasional, and cabotage operations. The National Transport Authority is the designated competent authority to issue authorisations and control documents and to authorise cabotage operations under this regulation. The Department for Infrastructure in Northern Ireland is the competent authority for Northern Ireland.

Once the UK leaves the EU it will automatically become a Third Country. In the longer term, the Interbus Agreement is the legal framework that will provide a basis for the carriage of passengers by bus and coach between Ireland and the UK after the withdrawal date. At present, this only applies to the international occasional services between certain non-EU member states and EU member states. It does not apply to regular international services, national services, the use of buses and coaches designed to carry passengers for the transport of goods for commercial purposes or to own-account occasional services. A Protocol to the Interbus Agreement covering regular passenger transport services was negotiated between its Contracting Parties, but it is not expected to enter into force in time to be a viable alternative. To cover this gap in regular international services, as well as allowing for any delay in the accession of the UK into the Interbus Protocol, Regulation (EU) 2019/ 501 was adopted by the EU on 25 March 2019, to ensure the continuation of regular authorised services. As a further contingency measure the Irish Government enacted in March 2019 the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019. Once commenced, this will amend both the Dublin Transport Authority Act 2008 and the Public

Transport Regulation Act 2009 to enable the Authority to authorise and regulate services with Third Countries.

However, neither the current or proposed Interbus Agreement provide for cabotage operations as part of a regular service. The Withdrawal Act could not provide for cabotage operations, as this is within the European Union's exclusive competence. Member States "may negotiate or enter into such commitments only if empowered to do so by the Union" in line with Article 2(1) of the Treaty on the Functioning of the European Union (TFEU). Article 2(1) provides for the Union to empower Member States in respect of areas in which the Union has exclusive competence.

The EU has recognised that "Cross-border coach and bus services between Ireland and Northern Ireland are of particular importance for communities living in the border regions, in view of ensuring basic connectivity between communities inter alia as part of the Common Travel Area. The picking up and setting down of passengers in regions on either side of the border supports the viability of those services. Therefore, the picking up and setting down of passengers by United Kingdom coach and bus service operators should continue to be authorised in the border regions of Ireland in the course of international passenger transport services by coach and bus between Ireland and Northern Ireland." Regulation (EU) 2019/ 501 ensures the continuation of regular authorised services up to 31 December 2019 and cabotage operations up to 30 September 2019. These dates were based upon a withdrawal date of 30 March 2019. The Authority is strongly in favour of the proposed amendment to Regulation 2019/ 501 to extend the applicable dates to potentially allow for regular services to continue until 31 July 2020 and cabotage in the border region for six months after the Regulation comes into force. Furthermore, the Authority would be supportive of permission at an EU level that would enable Ireland to put alternative arrangements with the UK that would permit cabotage in the border region.

That concludes my introductory presentation. I trust we will be able to answer any queries that arise.