

Joint Oireachtas Committee on Transport

briefing on

Part 13 Heads of the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2020

Opening Statement

Thank you, Chairman.

Today I am here to brief the Committee on the General Scheme for Part 13 of the *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2020* which provides for matters relating to Cross-Border Bus Services.

Background

As members may be aware, as a result of the Withdrawal Agreement being signed last year, we are currently operating in transition period, and bus services between Ireland and the UK have continued to operate during this period under an EU Regulation (*Regulation (EC) No. 1073/2009*).

This arrangement will end on the 31st of December and, in the event that no further agreement is made between the EU and the UK, we will face a “defacto no-deal” scenario on the 1st of January 2021. In this scenario, and if no EU contingency for bus services is in place, we need to be able to provide contingency for the continuation of these bus services.

This is what Part 13 of this new Bill seeks to achieve.

North-South Consideration

Before considering the General Scheme here today, it is important to bear in mind the objectives of the Good Friday Agreement and the need to maintain connectivity between people, communities, and businesses on the island of Ireland; the continuation of cross-border bus services is essential in

maintaining this connectivity. For those living in rural border county communities, these bus services are of particular significance as they are often the only mode of public transport available.

Cross-Border Bus Services

Pre-Covid, on a daily basis, Monday to Friday, there were over 300 cross-border bus journeys authorised by the National Transport Authority, the “NTA”.

These are what are known as “regular” services. That is, services which operate on set days and times, servicing pre-determined stops.

This figure of 300 does not take into account “occasional” or “special regular” services, nor does it include services authorised by the competent authority in Northern Ireland (Department for Infrastructure).

“Occasional” services are those operating on a more ad-hoc basis – for example, a bus hired to travel from Kildare to Belfast for a concert; while “special regular” services are those which operate under a contract – this could be a bus hired by a company to exclusively transport its employees to work on a regular basis.

We need to ensure continuity of these services and that the highest safety and quality of service standards are maintained.

Interbus

In terms of a long-term solution, I should explain that the UK has signalled its intention to join the Interbus Agreement. This Agreement is an EU-level agreement that enables occasional bus services to operate between the EU and certain third countries. There is a Protocol to extend this Agreement to include regular and special regular services but it is not expected to be in place until mid next year.

The Department and the European Commission view the Interbus Agreement as the most appropriate solution for cross-border bus services and we welcome the UK’s stated intention to accede to this Agreement. The Department would also welcome the UK acceding to the Protocol on regular and special regular services once this is possible.

If the UK does accede to the Interbus Agreement but the Protocol is not yet in place, Part 13 may be used as a contingency for regular and special regular services only, with occasional services being covered by the Interbus Agreement.

In the event of the UK not joining Interbus, or no EU-level agreement or contingency being in place, legislation will be required to allow for the continuation of all of these categories of bus service between Ireland and the UK as a third country.

Legislative Changes

Part 13 sets out the changes needed to achieve this, proposing amendments to the *Road Transport Act 1978*, *Public Transport Regulation Act 2009* and the *Dublin Transport Authority Act 2008*.

After the end of the transition period, Ireland will be allowed under EU law to enter into a bilateral agreement with the UK for bus services, so long as no existing bus agreement exists between the UK and the EU. Part 13 lays out the rules which could form the backdrop to Ireland's negotiations on a bus bilateral with the UK.

As mentioned, the NTA is Ireland's competent authority for regulating bus services with other Member States. These Heads will make the NTA the competent authority to similarly regulate bus services between Ireland and third countries.

While the Heads presented here today largely reflect the provisions of Part 10 of the 2019 Act, you may notice one change under Head 13.5 in relation to the proposed insertion of a section 28N under the *Public Transport Regulation Act 2009*.

This provision had provided that services operating under a "reciprocal arrangement", this being an interim arrangement while a bilateral is being negotiated, could operate for a period of 12 weeks. We are seeking to amend this to 24 weeks to provide additional time to be able to complete any negotiations, given the current circumstances with Covid and the additional challenges that might bring to finalising any negotiations.

As with all other Departments involved in this Bill, we have been engaging with the Office of the Parliamentary Counsel as a matter of priority and that work is nearing finalisation. This engagement has focussed on ensuring that the Heads provide workable solutions to deal with the long-term

implications of Brexit with regard to cross-border buse services. While Interbus and the Protocol to Interbus are the optimal long-term solutions, we need to prepare for any gaps that may arise with regard to the entry into force of these agreements and other possible scenarios. Part 13 is key to providing practical solutions in this regard.

Concluding Remarks

The intention of Part 13 in the Omnibus Bill is to provide robust primary legislation which, in the absence of an EU-level solution, will help ensure the future continuation of bus services between Ireland and Northern Ireland, as well as between Ireland and Great Britain.

The Department is grateful for the support this Part has received thus far. We trust that we can continue to work together to advance the necessary legislation.

I thank the Chairman for inviting me to make this presentation and look forward to hearing the views of the Committee and to responding to any questions you may have.