

SECTION 15/16 MANUAL

FREEDOM OF INFORMATION ACTS 1997 TO 2003

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Commission for Aviation Regulation
3rd Floor, Alexandra House
Earlsfort Terrace
Dublin 2
Ireland

Tel: +353 1 6611700
Fax: +353 1 6611269
E-mail info@aviationreg.ie

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Guide to the Functions and Records of the Commission for Aviation Regulation

1. FREEDOM OF INFORMATION ACT 1997 - SECTION 15

1.1 Introduction

The Freedom of Information (FOI) Act establishes three new statutory rights:

- a legal right for each person to access information held by public bodies;
- a legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading;
- a legal right to obtain reasons for decisions affecting oneself.

The Act asserts the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

This manual is prepared in accordance with publication requirements set out in Section 15 of the Act. Its purpose is to facilitate access to official information held by the Commission, by outlining the structure and functions of the Commission; information on the classes of records we hold and information on how to make a request to the Commission under the Freedom of Information Acts.

2. HOW TO GET INFORMATION

2.1 Information Available Routinely

The Freedom of Information Act is designed to allow public access to information held by public bodies, which is NOT routinely available through other sources.

Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits. This manual provides a guide to the structure of the Commission so as to help you access information under the Freedom of Information Act.

2.2 Applications under the F.O.I. Act

Under the FOI Act, anyone is entitled to apply for access to information not otherwise publicly available. Within the framework established by the Freedom of Information Act, each person has a right to:

- access Commission records;
- correction of personal information relating to oneself held by the Commission, where it is inaccurate, incomplete or misleading;
- access to reasons for decisions made by the Commission directly affecting oneself.

The following records come within the scope of the Act:

- all records relating to personal information held by the Commission irrespective of when created;

- personnel records of serving staff with effect from 21 April, 1995;
- all other records created from 21 April, 1998;
- any other records necessary to the understanding of a current record.

The Commission is generally obliged to decide on a request for information within 4 weeks.

Applications for information under the FOI Act should be addressed to:

The Freedom of Information Officer,
Commission for Aviation Regulation,
3rd Floor,
Alexandra House,
Dublin 2.

Telephone: 353-1-6611700
Fax: 353-1-6611269
Email: info@aviationreg.ie

Applications must be in writing and should indicate that the information is sought under the Freedom of Information Act.

If information is desired in a particular format e.g. photocopy, computer disk, etc. this should also be mentioned in your application.

It is recommended that as much detail as possible is contained within the request to enable Commission staff to clearly identify the records sought. The FOI Officer will assist any persons who encounter difficulties in identifying the precise records requested.

Fees are imposed in respect of requests for particular information and these are outlined fully in a later paragraph.

2.3 Assistance to persons with a disability

The FOI Officer is available to assist persons with disabilities/difficulties in exercising their rights under the FOI Act e.g. he/she will accept oral requests in place of written requests from persons with reading difficulties and he/she will also verbally explain the requested records so that the requester develops a complete understanding of same.

2.4 Rights of Review and Appeal

The Act exempts public bodies from disclosing sensitive information where such disclosure may damage key interests of the State or of third parties. Where a public body decides to withhold information for this purpose, their decision may be appealed. Decisions in relation to deferral of access, charges, forms of access, etc., may also be the subject of appeal. There are two appeal mechanisms;

- the first comprises an internal review by the public body itself of the decision to withhold information;
- the second (which can only be undertaken when the first has been completed) comprises an independent review by the Information Commissioner.

2.5 Internal Review

You may seek an internal review of the initial decision, which will be carried out by an official at a higher-level if:

- (a) you are dissatisfied with the initial response received e.g. refusal of information, method of access, charges, etc.; or,

- (b) you have not received a reply within 4 weeks of your initial application. This is deemed to be a refusal of your request and allows you to proceed to internal review.

Requests for internal review should be submitted in writing to:

The Commissioner for Aviation Regulation - Contact details are provided in paragraph 2.2 above.

Such a request for internal review must be submitted within 4 weeks of the initial decision accompanied by the appropriate fee.

The Commission must complete the review within 3 weeks. The internal review must normally be completed before an appeal may be made to the Information Commissioner.

2.6 Review by the Information Commissioner

Following completion of the internal review, you may seek an independent review of the decision from the Information Commissioner. Also if you have not received a reply to your application for internal review within 3 weeks, this is deemed to be a refusal and you may appeal the matter to the Commissioner.

Appeals in writing may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner,
18 Lower Leeson Street,
Dublin 2.

Telephone: 353-1-6785222
Fax: 353-1- 6610570

Email: foi@ombudsman.irlgov.ie
Website: <http://www.irlgov.ie/oic/>

2.7 Fees

The following charges apply in relation to requests for records made under the FOI Act:

2.7.1 Application Fees

There is no application fee if your request is for personal information only. If your request is for a record containing non-personal information, an application fee of €15 (€10 if you are a medical card-holder) must accompany your request.

2.7.2 Search and Retrieval and Copying Fees

Fees also apply in respect of the time spent searching and retrieving records that are released to you on foot of your request and in respect of the copying of any records released. Such fees are unlikely to arise if your request is for personal information. The rates of these fees are as follows:

€20.95 per hour of search and retrieval

€0.04 per sheet for a photocopy

€10.16 for a CD-ROM containing copy documents

2.7.2.1 Fees for Appealing a Decision

A fee of €75 must accompany most applications for internal review of a decision of a public body. A reduced fee of €25 applies if you are covered by a medical card. There is no fee for internal review applications concerning only personal information relating to oneself or in relation to a decision to impose a fee or deposit.

A fee of €150 must accompany most applications for review by the Information Commissioner. A reduced fee of €50 applies if you are covered by a medical card or in relation to a review concerning certain third party information. There is no fee for review applications concerning only personal information relating to oneself or in relation to decisions to impose fees or deposits.

2.7.3 Deposits

A deposit is payable where the estimated cost of search and retrieval of records sought is estimated to exceed €50.79. In such cases, every effort will be made to assist the requester in amending the request so as to eliminate the need for a deposit.

2.7.4 Reductions and Waivers

The fee in respect of search and retrieval and copying of records will be waived where the cost of collecting and accounting for the fee would exceed the amount of the fee itself (a guideline of less than €10 is used in this respect);

The fee in respect of search and retrieval and copying of records or a deposit may be reduced or waived where the information in the record would be of particular assistance to the understanding of an issue of national importance.

As can be noted from the above a charge applies to most internal and independent reviews concerning access to non-personal records. Where reductions apply these will be notified to the requester by the Freedom of Information Officer.

3 DESCRIPTION AND FUNCTIONS OF THE COMMISSION

3.1 Statutory Functions of the Commission

The Commission for Aviation Regulation was established by section 3 of the Aviation Regulation Act, 2001, on 27 February 2001. Its principal functions are:

- the regulation of airport charges at Dublin Airport;
- the regulation of aviation terminal services charges that may be imposed by the Irish Aviation Authority;

These requirements are achieved by making determinations on the maximum levels of airport and aviation terminal services charges, which may be levied by Dublin Airport Authority and the Irish Aviation Authority, as the case may be.

In addition to those functions, the Commission also has responsibility for other functions under both EU and National legislation, including the following:

3.1.1 EU Legislation:

3.1.1.1 Slot allocation and the appointment of a schedules coordinator.

Council Regulation (EEC) 95/93 of 18 January 1993, as amended by Regulation (EC) No. 793/2004 of the European Parliament and of the Council, sets out common rules for the allocation of slots at Community airports. Under Section 8(1) of the Act, the Commission is the competent authority in Ireland for the purposes of Council Regulation (EEC) 95/93 of 18 January 1993, other than the functions of a coordinator. In addition, section 8(2)

provides that the Commission shall be the appointing authority for such a coordinator.

3.1.1.2 Air carrier licensing

The Commission is responsible for licensing Irish air carriers involved in the carriage by air of passengers, mail and/or cargo for remuneration and/or hire in accordance with Regulation (EC) No. 1008/2008. The Commission is designated as the competent licensing authority in the State for the purposes of this Regulation under the European Communities (Common Rules for the Operation of Air Services in the Community) Regulations 2008, Statutory Instrument 426 of 2008.

3.1.1.3 Air Passenger Rights Complaints

The Commission is the national enforcement body for two EC Regulations:

- EC Regulation No. 261/2004 which establishes common rules on compensation and assistance to passengers in the event of denied boarding, flight cancellation or long flight delay and which came into force on the 17 February 2005. This Regulation was transposed into Irish law via Section 45A of the Aviation Regulation Act, 2001 (as inserted by s.5(1)(f) of the Aviation Act 2006). As the Irish enforcement body, the Commission is responsible for ensuring implementation of the Regulation as regards flights departing from airports within this jurisdiction and also regarding flights arriving into such airports from third countries¹ when same are operated by Community-licensed carriers.

- EC Regulation No. 1107/ 2006 which concerns the rights of disabled persons and persons with reduced mobility when travelling by air. This

¹ A third country is one that is not party to the Treaty establishing the European Union.

Regulation was transposed into Irish law via Statutory Instrument No. 299/2008. The Commission is responsible for the enforcement of this Regulation as regards complaints arising from the provision of assistance to passengers by the management bodies of airports located within this jurisdiction. Furthermore the Commission is also responsible for enforcement of the Regulation in respect of those complaints concerning assistance received from air carriers where the flight in question departed from this territory.

3.1.2 National Legislation:

The following functions previously vested in the Minister under national legislation were transferred to the Commission from the date of its establishment.

3.1.2.2 Ground handling

Section 9(2)(c) of the Act transferred the functions contained in the European Communities (Access to the ground handling market at Community airports) Regulation 1998 (S.I. No. 505 of 1998).

3.1.2.3 Travel Trade licensing

Sections 9(2)(a) and 9(2)(b) of the Act transferred the functions contained in the Transport (Tour Operators and Travel Agents) Act, 1982 and the package Holidays and Travel Trade Act, 1995.

3.1.3 Summary:

In summary, therefore, the Commission is responsible for:

regulating Dublin Airport Authority's airport charges at Dublin Airport

regulating the Irish Aviation Authority's aviation terminal services charges

approving ground handlers

licensing Irish air carriers

enforcing consumer protection regulations which focus on the rights and entitlements of passengers travelling by air

implementing certain aspects of community legislation in relation to slot allocation and schedule coordination, and

licensing travel agents and tour operators in Ireland

3.2 About the Commission for Aviation Regulation

The Aviation Regulation Act established the Commission, 2001, on 27 February 2001. The establishing legislation specifies that the Commission is a body corporate that shall consist of at least one but not more than three members.

The present Commissioner for Aviation Regulation is Mr. Cathal Guiomard.

Below is some more detailed information on the functions of the Commission.

3.2.1 Economic Regulation

The Commission for Aviation Regulation sets maximum levels of airport charges that may be charged by Dublin Airport Authority at Dublin Airport and maximum levels of aviation terminal services charges that may be charged by the Irish Aviation Authority. Under Sections 33 and 36 of the Aviation Regulation Act, 2001, (as amended by the State Airports Act, 2004)

the Commission must take into account certain factors in arriving at its decision in respect of maximum charges.

Airport charges are charges relating to take off, landing and parking of aircraft, the arrival and departure of passengers and cargo charges. Aviation terminal services charges are air traffic control charges relating to take-off and landing of aircraft. Under the legislation, the Commission is not required to make either determination by reference to a specific formula.

The Commission sets maximum charges for both airport charges and aviation terminal services charges in accordance with the Aviation Regulation Act, 2001. In both cases, prior to making its determinations, the Commission must give notice of its intention to make a determination and invite representations. The Commission must then make its determinations and reports.

To finance its economic regulatory activities, the Commission under Section 23 of the Aviation Regulation Act, 2001, is empowered to make regulations providing for the imposition of a levy. The purpose of the levy is to meet the costs and expenses of the Commission. The regulations may require the levy to be paid by such classes of undertaking as are specified by the Commission. The Commission is also empowered to provide that different rates apply as between different classes of undertaking.

3.2.2 Groundhandling

Groundhandling broadly comprises all those services required by an aircraft between landing and take-off (e.g. marshalling aircraft, loading/unloading, refuelling, baggage handling, passenger handling, aircraft maintenance etc.). An airline may choose to provide services for itself (self-handling), or contract with another company (third party handling), be it an airline or a dedicated Groundhandling company.

Council Directive 96/67/EC of 15 October 1996 regulates groundhandling and it is implemented into Irish law by the European Communities (Access to the Groundhandling Market at Community Airports) Regulations, 1998, Statutory Instrument No. 505 of 1998. The Directive was intended as a first step towards the gradual opening up of access to the Groundhandling market and also to help reduce the operating costs of air carriers, to improve quality of service and to facilitate effective competition in that market.

The Directive also provides that access may be restricted in respect of the core groundhandling services, provided it is restricted to no fewer than at least two providers for each category of service at a given airport and a minimum of two self-handlers. Airport authorities are entitled to charge a fee for access to airport installations and to establish rules of conduct for the proper functioning of the airport.

Where a decision is taken by the airport authority to impose a fee in respect of access to airport installations, the airport authority is required to submit to the Commission in advance, a request for approval of the proposed fee in accordance with the criteria set out in S.I. No. 505 of 1998.

Prior approval must be obtained from the Commission before engaging in Groundhandling operations. Applicants must complete an application form and also meet a number of requirements before an approval to operate as a groundhandler can be issued. Groundhandling approvals are issued for a period of five years and approval is subject to the holder satisfying certain conditions at all times. After the five year timeframe, Groundhandling approvals can be renewed following the successful completion of the Commission's renewal process.

3.2.3 Slot Allocation

Under the Aviation Regulation Act, 2001, the Commission is responsible for deciding if airports located in Ireland should be coordinated airports pursuant

to Council Regulation (EEC) No. 95/93 as amended by Council Regulation 793/2004. Those designations relate to the degree of congestion at a particular airport and whether those difficulties may be overcome by operational changes.

At a 'schedules facilitated' airport, a coordinator is appointed and its function is to facilitate the operations of air carriers operating or intending to operate at that airport. At a 'coordinated' airport, in order to land or take off during the periods of full coordination, an air carrier must have a slot allocated by the coordinator.

More up-to date information on the current status of the slots regime operating at Dublin airport can be found in the Commission's Annual Report, available from the website www.aviationreg.ie.

3.2.3.1 Air Passenger Rights Complaints

As previously advised, the Minister for Transport formally designated the Commission for Aviation Regulation as the national enforcement body for two European Regulations: EC Regulation 261/ 2004 and EC Regulation 1107/ 2006.

The first of these, Regulation 261/ 2004 establishes common rules on compensation and assistance to passengers in the event of denied boarding, flight cancellation (where same is effected by the air carrier) and long flight delay. Amongst other things the Regulation stipulates:

1. the assistance which must be provided to passengers who suffer lengthy flight delays;
2. the choices which must be offered to passengers whose flights are cancelled (and any resultant obligations which must be discharged by the air carrier);

3. the assistance which must be provided to passengers who are denied boarding for reasons other than those set out in Article 2(j).

It is incumbent on an air carrier to comply with these rules. Where a passenger considers that the air carrier has not done so and that his/her rights have consequently been infringed, they may raise a complaint with the appropriate national enforcement body. The national enforcement body will investigate the complaint and determine whether an infringement has occurred. For a complete breakdown of an air carrier's responsibilities under this legislation please refer to the Commission's website: www.aviationreg.ie and follow the "Consumer Protection" link to "Air Passenger Rights".

The second Regulation for which the Commission is national enforcement body is EC Regulation 1107/ 2006. This Regulation concerns the rights of disabled persons and persons with reduced mobility (PRMs) when travelling by air and it sets out the responsibilities incumbent on airport management bodies, air carriers and tour operators to ensure that such persons have opportunities for travel which are comparable to other citizens. A detailed breakdown of the obligations on the main parties can be found on the Commission's website (follow the "Consumer Protection" link to "Persons with Reduced Mobility").

Furthermore a comprehensive list of the national enforcement bodies for both Regulations across all of the Member States is also available on the website".

3.2.4 Travel Trade Licensing

The Commission for Aviation Regulation is responsible for regulating aspects of the activities of tour operators and travel agents in Ireland. The Commission grants tour operator and travel agent licences and administers a bonding scheme for both types of licence holder.

Under the Transport (Tour Operators and Travel Agents) Act, 1982, as amended by the Package Holidays and Travel Trade Act 1995, a distinction is made between tour operators and travel agents. In general terms, a tour operator is a person who acts as the principal in relation to overseas travel which it arranges for the purpose of selling or offering for sale to the general public. By contrast, a travel agent is a person who sells or purchases or offers to purchase overseas travel on behalf of the public on a commission basis. Where a person engages in the activity of both tour operator and travel agent, then both licences are required. Both licensing regimes are explained in the Transport (Tour Operators and Travel Agents) Act, 1982: Explanatory Note.

Tour Operators and travel agents are obliged to enter into a bond before the Commission grants a licence. In the event of a failure of a tour operator or travel agent, the Commission is then responsible for administering the bond. This work usually consists of assessing the eligibility of individual claims from customers of the failed tour operator or travel agent, making the appropriate refunds, and where necessary, making arrangements for the repatriation of customers who need to be repatriated.

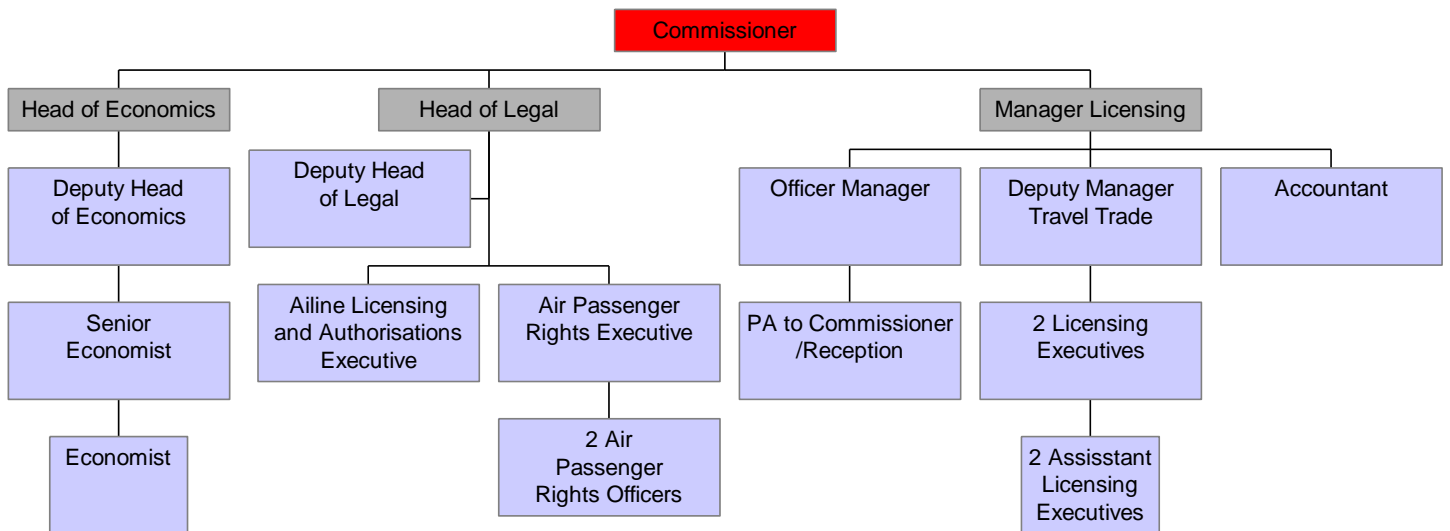
Written queries in relation to any of these issues may be directed to info@aviationreg.ie or by telephone to +353 1 6611700, and by fax to +353 1 6612092. It should be noted that the Package Holidays and Travel Trade Act, 1995, requires package holiday organisers to provide certain protections in the event of insolvency, as well as regulating other aspects of the package holiday industry. Aspects of that Act are administered by the National Consumer Agency, telephone +353 1 402555.

3.2.5 Airline Licensing

The Commission for Aviation Regulation is responsible for licensing Irish airlines in accordance with Regulation (EC) No 1008/2008. An Operating Licence permits the licence holder to engage in the carriage by air of passengers, mail and/or cargo for remuneration and/or hire.

In order to be eligible for an Operating Licence the applicant must, among other things, have its principal place of business and registered office (if any) in Ireland and its main occupation must be air transport in isolation or combined with any other commercial operation of aircraft or repair and maintenance of aircraft. The applicant must also meet the ownership and control requirements of the legislation (i.e. Member States and/or nationals of member States own more than 50% of the undertaking and effectively control it). In addition, applicants must also meet requirements regarding financial fitness and insurance cover. All applicants must have, and for the duration of the Operating Licence hold, a valid Air Operator's Certificate (AOC). The Irish Aviation Authority is responsible for granting AOC's.

3.3 Organisational Structure



* De facto December 2010

3.3.1 Economic Affairs

3.3.1.1 Functions

The Economic Affairs division's primary responsibility is to advise the Commissioner and prepare the decisions of the Commission in relation to airport and aviation terminal service charges regulation. To the extent that economic issues arise in other aspects of the Commission's work, the Economic Affairs division also provides advice on such issues. It is also involved in overseeing the discharge of the Commission's duties in relation to Slot Coordination pursuant to EU regulations.

3.3.1.2 Structure

Head of Economic Affairs
Deputy Head of Economic Affairs
Senior Economist

3.3.1.3 Classes of records held and Information Available:

The following classes of record held are also available from the Commission website www.aviationreg.ie under the headings Economic Regulation and The Levy:

- Commission Papers on Airport Charges, Air Terminal Services Charges and The Levy.

- Cooperation Agreement with the Competition Authority

- Ministerial Directions

- Submissions Received from interested parties

- Statutory Requests to regulated firms

- Notices made by the Commission

- Internal economic files

- Correspondence between the Commission and the aviation industry and others

3.3.1.4 Information Available

The following Information is available in relation to Slot Allocation on the Commission website at www.aviationreg.ie under the heading Slots:

- Commission paper on the appointment of a Coordinator for Dublin Airport

- The Commission Decision on Full Coordination at Dublin Airport.

- Legislation

3.3.2 Legal Affairs Division

3.3.2.1 Functions.

The provision of legal advice is the responsibility of the Legal Affairs division. A wide range of advisory work is undertaken ranging across all the areas that are functions of the Commission in addition to other areas such as constitutional law, competition law, contract and employment law. The legal

affairs division is consulted in connection with any legal issue which a division of the Commission requires advice.

In addition the division is responsible for the management and conduct of all litigation to which the Commission is a party. This involves civil and criminal matters.

The division is also responsible for overseeing the groundhandling, air carrier licensing and air passenger rights functions of the Commission. These functions include:

- the authorisation of groundhandling operations at airports in Ireland under national and EU legislation.
- the licensing of Irish air carriers under National and EU legislation.
- the administration and enforcement of Regulations 261/ 2004 and 1107/ 2006 regarding air passenger rights in Ireland.

3.3.2.2 Structure.

Head of Legal Affairs
Deputy Head of Legal Affairs
Air Carrier Licensing and Authorisations Executive
Air Passenger Rights Executive
2 Air Passenger Rights Officers

3.3.2.3 Classes of document held

Internal general administration
Legal advices
Legislation
Litigation files

Licence applications
Information relating to the monitoring of approved groundhandlers
Correspondence between the Commission and approved groundhandlers on various issues
Research materials relating to groundhandling
Correspondence between the Commission and licensed air carriers
Information relating to the monitoring of licensed air carriers
Research materials relating to air carrier licensing
Correspondence relating to complaints under EC Regulation 261/2004 and correspondence relating to complaints arising under Regulation 1107/2006

3.3.2.4 Information Available:

Groundhandling

Application form for approval as a supplier of groundhandling services for a self-handler and relevant legislation.

Lists of approved self-handlers and suppliers of groundhandling services.

Appeal Decisions

Relevant Legislation

Air Carrier Licensing

Application form for an Air Carrier Operating Licence

List of licensed Irish air carriers

Relevant legislation

Air Passenger Rights

Complaint forms in respect of complaints arising out of both EC Regulations

Relevant Legislation

Commission Reports

3.3.3 Licensing

The Licensing Division has three distinct functions:

- (i) Office Management
- (ii) Travel Trade Licensing and
- (iii) Accounts.

3.3.3.1 Structure

Manager of Licensing
Office Manager
PA to the Commissioner
Accountant
Deputy Manager Travel Trade
Two Licensing Executives
Two Assistant Licensing Executives

3.3.3.2 Office Management

Functions

Ensuring the effective deployment and management of human resources within the Commission:

Ensuring there is an efficient and effective payroll system in place;
Providing accommodation and any other physical resources necessary for staff;
Creating an accident free and Health and Safety conscious environment;
Providing training to meet individual needs and those of the organization;
Providing the Commissioner with the administrative support in respect of his/her statutory obligations;
Managing commitments of the Commissioner in respect of domestic and foreign engagements;

Providing for efficient and effective processing of all internal and external communications.

3.3.3.3 Classes of Documents held – Office Management

- Commission Publications

- Replies to Parliamentary questions

- Speeches by the Commissioner

- Invitations to the Commissioner and other diary related matters

- Correspondence with government departments and other public bodies

- Correspondence issued by the office

- Annual report

- Finance, Accounts and Borrowing

- Industrial relations

- Pensions

- Property issues

- Commission matters

- Financial Matters

- Internal Administration

- Legislation

- Policy

3.3.3.4 Information Available

3.3.4 Travel Trade Licensing

3.3.4.1 Functions

The Travel Trade Licensing Division of the Commission is responsible for the licensing of travel agents and tour operators pursuant to the Transport (Tour Operators and Travel Agents) Act, 1982 as amended and the various regulations made under that Act.

3.3.4.2 Classes of Document Held

Records relating to licence applications from travel agent and tour operators

Licences issued to travel agents and tour operators

Internal Administration

Correspondence with interest groups

Records relating claims by customers of travel agents and tour operators against the firms' bonds and/or the Travellers' Protection Fund.

3.3.4.3 Information Available.

The following information is available on the Commissions website at www.aviationreg.ie under the heading Travel Trade:

Application forms and fees

List of Licensed Operators

Other documents including frequently asked questions.

Legislation

3.3.5 Finance and Accounting

The finance and accounting section of the Commission for Aviation Regulation, reporting to the Manager of Licensing, is responsible for all of the financial functions of the Commission. These include:

Preparing the Annual Budget along with the implementation of the Levy under Section 23 Aviation Regulation Act, 2001.

Managing the Commission's financial resources.

Processing payments relating to the administration of the Commission, including payroll.

Preparing the Commission's monthly management accounts, including variance reporting on expenditure.

Preparing the Commission's annual accounts.

Liaising with the Comptroller and Auditor General.

Ongoing review and improvement of existing processes.

Liaising with the Revenue Commissioners in relation to the Commission's various tax returns.

Providing support to the licensing section of the Commission regarding analysis of Travel Agent/Tour Operator/Groundhandling and Air-Carriers' Annual Accounts.

3.3.5.1 Classes of records held:

Staff- Payroll information

Supplier, including payment records and notes regarding procurement procedures.

Customer i.e. Undertakings as per the Levy

Taxation

Banking records, including bank statements of all travel agents/ tour operators' bonds.

Budget

Travel and Subsistence

Audit

Fixed Assets

Financial Statements

Monthly management Accounts

Licensing correspondence

4. FREEDOM OF INFORMATION ACT - SECTION 16 MANUAL

RULES AND PRACTICES S AND PROCEDURES

The staff of the Commission for Aviation Regulation is comprised of staff and civil servants seconded from the Department of Transport together with staff directly employed by the Commission.

Part I - CIVIL SERVICE PERSONNEL SCHEMES AND POLICIES

4.1 Introduction

The Personnel schemes and policies operated by the Commission are, largely, those agreed centrally by the Department of Finance and which operate across the Civil Service as a whole. Details of these schemes can be found in the Department of Finance's, Rules and Practices, Freedom of Information Act - Section 16 Reference Book. In a limited number of cases, the Commission has flexibility in the way it operates policies and schemes. Details of the personnel schemes and policies operated at present by the Commission are set out below:

4.1.1 Refund of Academic Fees

Members of staff who undertake courses of learning which are deemed appropriate to their work or their development as public servants may apply for a full refund of the academic fees they incur. On an exceptional basis, partial refunds may be approved for courses of less immediate relevance or for personal development.

Advance written applications for approval in principle to reclaim the fees must be made. The fees are refunded retrospectively at the end of the

academic year on production of certification from the education body that the officer attended the course and sat the appropriate exams. In the past it was not a requirement that the officer passed the exams. However, this matter is now being reviewed.

The officer to whom a payment has been made must sign a form of undertaking to refund the payment should s/he resign from the Civil and/or Public Service before completing one year's service in respect of each academic year or course period for which a payment has been made (the academic years or course periods themselves are not reckoned as service in this context)

4.1.2 Promotion

The Commission fulfils its obligations to interdepartmental promotion panels. One should note the staff of the Commission is a mix of staff seconded from the Department of Transport and staff employed directly by the Commission for Aviation Regulation.

4.1.3 Financial Procedures

The Commission operates its financial procedures in line with the guidelines and instructions set down by the Department of Finance, but within these there are particular administrative procedures that the Commission has discretion to exercise as it sees fit. These procedures are reviewed annually and regularly audited.

4.2 Commission For Aviation Regulation Schemes And Procedures

4.2.1 Application for an Air Carrier Operating Licence

An Operating Licence permits the holder to engage in the carriage by air of passengers, mail and/or cargo for remuneration and/or hire.

The granting of Operating Licences to undertakings based within the European Union is governed by Regulation (EC) No. 1008/2008. Before an Operating Licence can be issued the applicant must obtain an Air Operator's Certificate (AOC) from the Irish Aviation Authority, Aviation House, Hawkins Street, Dublin 2. Tel: (01) 6718655, Fax: (01) 6793349.

Full details of the information which must be furnished when submitting an application for an Operating Licence are contained in the application form and accompanying notes. The Commission's procedures for granting, suspending and revoking operating licences are also available on www.aviationreg.ie.

On receipt of an application for an Operating Licence, the Commission issues a letter acknowledging receipt of same. The Licensing Executive examines the application and supporting documentation in detail. The Commission's accountant examines the applicant's business plan and relevant financial information. At this stage, a letter may be issued outlining any queries or additional information that the Commission needs to enable it to process the application further.

As soon as the Commission is satisfied that all necessary information has been received, it will be in a position to take a decision on the application. The decision is made by the Licensing Executive and the applicant is notified. There is no formal appeals procedure provided for in the Regulation. However, a decision not to grant an Operating Licence will state the reasons for refusal.

Holders of Operating Licences must at all times comply with the relevant provisions of Regulation (EC) No. 1008/2008 and any provision or condition of the Operating Licence. Operating Licences issued by the Commission are subject to review two years after the licence has been granted, when a potential problem has been suspected or at the request of the European Commission. The Licence is also subject to regular monitoring requirements in order to ensure compliance with the relevant legislation.

The following fee structure applies with regard to air carrier licensing:

Application Fee	€7,285 (Category A) €2,428 (Category B)
Annual Fee	€7,285 (Category A) €2,428 (Category B)
Additional Approval Fee	€1,943
Late Fee	€1,943

The fee payable on application for an Operating Licence is non-refundable. Fees applicable to Airline Licensing are adjusted annually for changes in the Consumer Price Index (CPI).

4.2.2 Application for Groundhandling Approval

Groundhandling broadly comprises all those services required by an aircraft between landing and take-off (e.g. marshalling aircraft, loading/unloading, refuelling, baggage handling, passenger handling, aircraft maintenance etc.) The Commission is responsible for authorising groundhandling operations.

The Commission for Aviation Regulation is the competent authority in Ireland for the purposes of Council Directive 96/67/EC on access to the

groundhandling market at Community airports. This Directive has been implemented into Irish Law by the European Communities (Access to the Groundhandling Market at Community Airports) Regulations, 1998 (S.I. 505 of 1998). The Directive is intended to facilitate the opening up of access to the groundhandling market and to facilitate effective competition in that market.

Prior approval must be obtained from the Commission before engaging in groundhandling operations. Full details of the information that must be furnished when submitting an application for a Groundhandling approval are contained in the application form.

On receipt of an application for a Groundhandling approval, the Commission issues a letter acknowledging receipt of same. The Licensing Executive examines the application and supporting documentation in detail. The Commission's accountant examines the applicant's business plan and relevant financial information. At this stage, a letter may be issued outlining any queries or additional information that the Commission needs to enable it to process the application further.

As soon as the Commission is satisfied that all necessary information has been received, it will be in a position to take a decision on the application. The Licensing Executive makes the decision and the applicant is notified. A decision not to grant a Groundhandling approval will state the reasons for refusal.

Holders of Groundhandling approvals must at all times comply with the relevant legislation. Groundhandling approvals are issued for a period of five years and are subject to regular monitoring requirements in order to ensure compliance with the relevant legislation.

The current fee structure is as follows:

Application Fee	€1,748
Annual Fee	€1,748
Licence amendment fee	€ 777
Late fee	€1,943

Fees applicable to Groundhandling are adjusted annually for changes in the Consumer Price Index (CPI). The fee payable on application for a groundhandling approval is non-refundable.

4.2.3 EC Regulation 261/ 2004 and EC Regulation 1107/ 2006

Complaint Handling under EC Regulation 261 /2004

EC Regulation 261/ 2004 establishes common rules on compensation and assistance to passengers in the following situations:

- flight cancellations (when effected by the air carrier);
- long flight delays; and
- instances of denied boarding.

When a flight is cancelled, the responsibilities incumbent on the air carrier vary depending on the proximity of the cancellation to the scheduled date and time of departure. However, as a minimum the air carrier is obliged to offer affected passengers the choice between:

- re-routing to their final destination at the earliest opportunity;
- re-routing at a later date which is more convenient for the passenger: or
- a refund of the full cost of the ticket.

Where a passenger elects the first option, air carriers are also be responsible for the provision of care and assistance to passengers (i.e. food, accommodation, access to telephone/ email etc.) whilst waiting on the alternative flight. In addition to these entitlements, where limited notice of a cancellation is given to passengers compensation may also be payable unless the air carrier can demonstrate that the cancellation was the result of extraordinary circumstances which could not have been avoided even if all reasonable measures were taken. Where a passenger elects the second option, the obligation on the air carrier to provide care and assistance, ceases. Where the passenger elects the third option, the air carrier must effect the refund within 7 days.

Where a flight is subject to a delay that exceeds the timeframes prescribed in the Regulation, an air carrier is obliged to provide care and assistance such as that mentioned above to passengers. If the delay exceeds 5 hours and the passenger decides not to travel, the air carrier must also refund the passenger the full cost of the ticket. The ruling in the joined cases of Sturgeon and Bock which was delivered by the Court of Justice of the European Union (CJEU) in November 2009 determined that compensation may also be payable to passengers who suffer a delay of 3 hours or more in arriving at their destination. As with cancellations, this compensation will not be payable if the air carrier can demonstrate that the delay was the result of extraordinary circumstances which could not be avoided even of all reasonable measures were taken.

Where a passenger is denied boarding, the Regulation clearly sets out the obligations that the air carrier must fulfil. Depending on whether the passenger voluntarily gave up his/her seat or whether they were involuntarily denied boarding, these obligations may vary but usually include re-routing/refunding the passenger and providing care and assistance. Where the denied boarding is of an involuntary nature, compensation is also payable.

All complaints received by the Commission are recorded, assigned a reference number and then analysed to determine if they fall (a) within the scope of the Regulation and (b) within our remit i.e. complaints relating to Regulation (EC) 261/2004 for which we are the competent National Enforcement Body (NEB).

The Commission receives a substantial amount of complaints that relate to departures from other Member States. These are duly recorded and are forwarded to the appropriate NEB with a brief summary per the NEB-NEB agreement. In these cases the Commission also writes to the complainant summarising their entitlements and advising that the matter has been forwarded to the appropriate enforcement body who will progress same on their behalf.

The Commission also receives a significant number of complaints pertaining to issues that do not fall within the Office's remit – these are referred to the appropriate bodies (where known) and the complainant is advised accordingly.

In cases where the Commission is the appropriate body i.e. the complaint not only falls within the remit of Regulation 261/ 2004 but relates to a departure from within this jurisdiction or an arrival into this jurisdiction from a third country on a community-licensed carrier, a file is opened. Correspondence then issues to the complainant advising them of their rights and entitlements given the circumstances outlined in their complaint and advising them that the Commission will investigate the alleged infringement and seek restitution, where appropriate, on their behalf. Additional documentation such as tickets/ receipts/ boarding cards is usually requested at this stage to establish whether the criteria set out in Article 3 have been met.

Once the above documentation is to hand, the Commission contacts the air carrier requesting information about the alleged infringement and supporting documentation (where appropriate). When a full response from the air carrier

is received, the Commission reviews the file to determine whether an actual infringement has occurred. Occasionally it is necessary to seek additional information from third parties such as the airport authorities and the air safety and air traffic control bodies. Further information may also be sought from the air carrier itself, especially in cases where compensation is sought.

The passenger is provided with regular updates throughout the investigation of a complaint until such time as the matter is concluded and the file closed. It is important to note that the closure of a file can occur in several different ways:

- it may be found that no infringement of the Regulation occurred;
- an infringement may be found to have taken place but same is subsequently rectified by the air carrier upon our request;
- an infringement is found to have taken place that the air carrier subsequently fails to remedy per our instructions. In such cases the Commission must invoke its enforcement powers under Section 45A of the Aviation Regulation Act 2001.

Complaint handling under EC Regulation 1107/ 2006

EC Regulation No. 1107/2006 concerns the rights of disabled persons and persons with reduced mobility when travelling by air. Its principal objective is to ensure that persons with reduced mobility and disabled persons have equal opportunities for air travel.

In accordance with Article 14(1) the Commission is responsible for enforcement of this Regulation as regards complaints arising from provision of assistance to passengers by the management bodies of airports located within this jurisdiction. Furthermore the Commission is also responsible for enforcement of the Regulation in respect of those complaints concerning assistance received from air carriers, where the flight in question departed from an airport in this territory or where the flight, operated by a Community-licensed carrier arrived into an airport within this territory having

departed from a third country. The Commission also has a specific obligation to ensure the satisfactory implementation of Article 8.

All complaints received by the Commission are recorded, assigned a reference number and then analysed to determine the competent enforcement body. Since the introduction of Regulation 1107/ 2006 the Commission has only received a nominal amount of complaints appropriate to the enforcement bodies of other Member States. These are duly logged in the Commissions database before being forwarded to the appropriate NEBs. In such cases the Commission also advises the passengers that their complaints has been referred elsewhere.

The following is a sample of the topics upon which most of those complaints heretofore received are based:

- seating;
- oxygen carriage;
- assistance in moving to the toilet facilities whilst onboard the aircraft;
- the carriage of guide dogs: and
- the transmission of requests for assistance to the airports.

Furthermore the Commission can, and has, received complaints in respect of an airport's entitlement to impose a levy on all users to fund the provision of assistance to persons with reduced mobility. Complaints of this nature are very complex and can take lengthy periods of time to finalise.

For every complaint received, a file is opened (a file number is also assigned) and an investigation into the alleged infringement commences. Correspondence issues to the relevant body i.e. the airport management body/the air carrier/the tour operator requesting information about the alleged infringement and supporting documentation (where appropriate). Given the nature of this Regulation, the Commission occasionally requires to engage with third parties such as the Irish Aviation Authority (IAA)/ the Department of Agriculture to obtain additional information.

Once all relevant information is to hand, the Commission assesses same in light of the provisions of the Regulation and determines whether an infringement occurred.

The complainant is provided with updates as appropriate throughout the investigation of a complaint until such time as the matter is concluded and the file closed. As with complaints received under Regulation 261/2004, the closure of a received under Regulation 1107/ 2006 can occur in several different ways:

- no infringement is deemed to have taken place;
- an infringement is deemed to have taken place but the relevant body takes steps to ensure that same does not occur again or makes restitution to the passenger as appropriate;
- an infringement is noted which the relevant body fails to address notwithstanding our instructions to do so. In such cases the Commission may be forced to invoke the enforcement powers afforded to it under Statutory Instrument No. 299 of 2008.

Application for a tour operator or travel agent license

The licensing of tour operators and travel agents takes place in accordance with the Transport (Tour Operators and Travel Agents) Act, 1982;

Tour Operators and Travel Agents (Bonding) Regulations, 1983;

Transport (Tour Operators and Travel Agents) Act, 1982 (Claims by Customers) Regulations, 1983;

Travellers' Protection Fund Regulations, 1984;

Travellers' Protection Fund (Amendment) Regulations, 1986;

Tour Operators (Licensing) Regulations, 1983;

Travel Agents (Licensing) Regulations, 1983;

Tour Operators (Licensing) (Amendment) Regulations, 1995;

Travel Agents (Licensing) (Amendment) Regulations, 1995;

Approved Bodies (Fees) Regulations, 1995;

Package Holidays and Travel Trade Act, 1995 (Bonds) Regulations,
1995;

Package Holidays and Travel Trade Act, 1995 (Occasional Organisers)
Regulations, 1995.

Copies of this legislation may be obtained from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2, and may be read on the Commissions website, www.aviationreg.ie.

It is an offence to carry on business or hold oneself out as carrying on business as a tour operator or travel agent without a licence. The Acts provide for penalties for illegal trading.

The Acts and the related regulations set out in full the legislative requirements regarding applying for, and holding a licence.

These are in the main:

application for a licence must be made in a manner form provided for under the Licensing Regulations;

The Electronic licensing application form is located on a secure website as part of the Licensing and Complaints System (LCS). Applicants for a licence are obliged to complete the electronic form appropriate to their legal status of sole trader, partnership or limited company. Some fields are mandatory (coloured on the application) and must be completed. Upon completion, a signed declaration form must be printed off and sent to CAR. Fees may be paid by credit or debit card in addition to cheque or bank draft.

Application forms must be completed in full and must be accompanied by

the appropriate application fee (see website);

audited annual accounts for a period ending not later than 12 months from the date of the application;

in the case of new applicants evidence of company registration and trade name registration where appropriate;

details of personnel employed or to be employed in the business;

information on the current state of applicants' finances;

details of the applicants financial and other assets;

details of management and staff;

financial and business projections for the period of the licence being sought;

an estimate of licensable turnover (i.e. turnover relating to the activity for which the licence is being sought).

Applicants are assessed on the basis of the information supplied

Applicants may be asked to supply additional information or clarification of the material they submitted on or in support of their application

When the Commission has processed the application and is of the view that there is no apparent obstacle to the granting of a licence, the applicant is invited to submit a bond for the protection of its customers with whom it undertakes travel contracts over the period of the licence. Those bonds may take the form of cash or guarantee from a duly authorised bank or insurance company. The level of the bond is set at 10% of licensable turnover for tour operators and 4% of licensable turnover for travel agents.

The legislation governing the licensing of tour operators and travel agents does not stipulate the period for which a licence is granted, but the Commission normally grants a licence that is valid for a period of up to one year.

Licences issued by the Commission are in the form provided for in Schedule 2 of the Tour Operators (Licensing) Regulations, 1993 and the Travel Agents (Licensing) Regulations, 1993.

In addition to the standard conditions contained in the prescribed licence documents, the Commission may impose special conditions on a licence holder by including them in writing on the licence document and may vary these conditions from time to time.

A full list of current holders of tour operators' and travel agents' licences is available on request from the Commission and may also be viewed on the Commission's website. The list also includes names and addresses of holders of recently expired licences.

During the period of validity of their licences, tour operators and travel agents may be asked to submit further information to the Commission, which usually relates to their ongoing financial performance.

A tour operator's or travel agent's licence may be revoked where events, such as bankruptcy or insolvency, provided for in section 2(4) of the Transport (Tour Operators and Travel Agents) Act 1982 occur and will automatically be revoked, pursuant to section 10 of the Act, where a payment from the firm's bond becomes necessary due to its failure to meet its financial and contractual obligations to its clients.

Where the Commission proposes to revoke a licence, (other than in circumstances provided for in section 10), or to refuse to grant a new licence, it must first notify the holder of the licence of its intention to do so and the reasons therefore, allow seven days for representations to be made by the holder and consider any representations the licence holder may make.

If at that stage, the Commission intends to proceed with the revocation or refusal of a licence, the licence holder or applicant may appeal against the Commission's proposal to the High Court within a further seven days, but in the meantime, may not trade as a tour operator or travel agent unless a bond is in place.

4.2.4 Claims for Refunds from bonds of Tour Operators and Travel Agents

Sections 13(4) and 18 (1) of the Transport (Tour Operators and Travel Agents) Act 1982 and the Transport (Tour Operators and Travel Agents) Act 1982 (Claims by Customers) Regulations, 1983 provide for the main rules and conditions governing claims against bonds of tour operators or travel agents whose licences have been revoked or who have failed to meet their overseas travel contract obligations to customers.

In addition to funds made available by a bond of a tour operator or travel agent, the Commission may also use the resources of the Travellers' Protection Fund, which was established pursuant to Section 15(1) of the Transport (Tour Operators and Travel Agents Act) 1982, for the benefit of customers of the travel firm concerned.

The Commission may call a bond of a tour operator or travel agent at any time up to six months after the expiry of the licence in respect of which the bond was provided. Unless the Commission becomes aware within that time that a claim may be made by a customer of the tour operator or travel agent, the bond provider is at that stage released from its obligations and the protection it accorded to customers ceases to have effect.

Claims may only be made in respect of overseas travel contracts with a tour operator or travel agent, i.e. the customer must have purchased travel (with or without accommodation or other holiday services) commencing in the Republic of Ireland to a place outside the island of Ireland.

Claims from customers must be made in writing on an official claim form which obtainable from the Commission on request or through its website and must contain details of the travel contract in respect of which the particular claim is being made.

Claims must be made within 60 days from the date of cessation and be supported by receipts and other evidence of payment.

The Commission may ask the claimant to supply any additional proof it deems necessary to assess whether a claim is admissible.

The amount claimed by way of a refund in respect of travel that had not commenced at the time the tour operator or travel agent defaulted on the contract may not exceed the total amount paid by the customer.

A claim may be made, however, for reasonable expenses necessarily incurred by a customer of a tour operator or travel agent as a result of the travel firm failing to fulfil its obligations under an overseas travel contract.

If the Commission has already arranged the repatriation of the customer of a tour operator or travel agent, any further claim will be deemed inadmissible.

If the Commission has repatriated a customer or a tour operator or travel agent on a date earlier than the return date specified in the contract that the customer had with the tour operator or travel agent, any refund that may be made on a pro-rata basis for the curtailed portion of the travel.

If the Commission has insufficient resources in both the bond of a tour operator or travel agent and the Travellers' Protection Fund to fully pay all eligible claims for refunds, each claimant will be paid a similar proportion of the amount due to them.

A claim from a customer in respect of vouchers, trading stamps or similar tokens will be deemed inadmissible except where these have been used as part payment towards an overseas travel contract and the voucher has been purchased for a monetary value.

A claim may not be made from either a bond or the Travellers' Protection Fund for damages in respect of the standard of accommodation or other services which a tour operator or travel agent provided to a customer.

In assessing the admissibility of any claim, the Commission is obliged to take into account any payments the claimants may have received in the context of the liquidation of the tour operator or travel agent in respect of which they have made the claim.

If a claimant is unable to supply fully satisfactory receipts or other evidence of payment in support of a claim, the Commission is the final arbiter of the eligibility of the claim.

4.2.5 Airport Charges determination (the procedure by which they are calculated)

The procedure by which the Commission determines airport charges in respect of Dublin Airport is set out in section 22 of the Aviation Regulation Act, 2001 as amended by the State Airports Act 2004.

A determination is to be in force for not less than 4 years coming into effect on such a day as the Commission specifies.

In general, a determination may provide for an overall limit on the level of airport charges, for limits to apply to particular categories of such charges, or for a combination of such limits.

Prior to making a determination the Commission must give notice that it intends to do so and publish this notice in a national newspaper. At the same time it must specify a period being not less than one month within which representations may be made from the public in respect of the proposed determination. It has been the practice of the Commission to publish a draft determination with this notice to facilitate the most useful consultation process.

The Commission, heretofore, has published these representations to allow respondents the opportunity to make further comment. Thereafter, the Commission, on making a determination must set out a report on the determination giving an account of these reasons for making that determination together with its reasons for accepting or rejecting any representations.

4.2.6 Aviation Terminal Services Charges determination (the procedure by which they are calculated)

In May 2001 the Commission published a paper CP4/2001 setting out the process leading up to the first Determination due in February 2002. This paper states the following.

“Given the nature of economic regulation, and having regard to the objective of the Commission in making a determination on the maximum levels of aviation terminal services charges, as well as the other requirements of the Act, the Commission has decided that consultation with interested parties and the public needs to be as complete as possible. Accordingly, the Commission has decided to supplement and amplify the requirements in relation to consultation contained in the Act as follows.

To begin the process, the Commission has published CP5/2001, a Consultation Paper on Economic Regulation of Aviation Terminal Services Charges in Ireland. Interested parties and the public will be given a period of 2 months to make comments. They will also have the opportunity of viewing and making comments on each other’s submissions. Having considered these submissions, the Commission will, on or about 17 October 2001 publish notice of its determination. That notice will be by way of draft determination and an explanatory memorandum. This will commence the period of statutory consultation specified in the Act. Interested parties and the public then have two months to make representations, which will then be considered by the Commission. The Commission will then make its determination and publish its report.”

The Commission placed all of the submissions and representations that it received in response to requests, on its website. As a result, the content of any submission is solely a matter for the submitting party.

The Commission envisages a two-stage public consultation leading to the determination of maximum airport charges.

The first phase started with the Commission publishing a consultation paper on the issues that arise in deciding a framework for setting airport charges. This was followed by a period for submission and consideration of written responses.

In the second phase of the work program, the Commission published its draft determination and allowed a statutory one-month period for consideration of its proposals and receipt of written responses. Following consideration of representation received, the Commission made and published its determination as well as its report.

Due to the detailed and technical nature of airport and ATC charges regulation, it is outside the scope of this manual to describe how maximum charges are determined. For detailed information please see the documents under economic regulation heading available on the Commission website at www.aviationreg.ie.

4.2.7 The Levy.

The costs of the Commission are required by law to be recovered by a levy imposed by the Commission on the aviation sector. To do this the Commission has had to decide on the best way of dividing up the cost so as to charge the relevant undertakings in the fairest way possible. The Commission has decided to make the allocation of its expenditure according to its principal areas of responsibility and in proportion to the Commission's common central costs and costs incurred in respect of those areas. These areas are comprised of: regulation of airport charges, regulation of aviation terminal services charges, slot allocation and co-ordination, approval of ground handlers and ground handling matters, travel trade licensing and air carrier licensing. Specific annual costs of the Commission are allocated to

each area as set out in Aviation Regulation Act (Levy) Regulations, made at the end of each year in respect of the following year.

For more detailed information on the levy please see the Commission website www.aviationreg.ie under the Financial heading.

5 GLOSSARY

Aeronautical Communications services means services providing communication facilities for any purpose connected with aviation.

Air Navigation Services includes services providing, giving or issuing information, directions or instructions, or other facilities, for the purposes of or in connection with the navigation or movement of aircraft.

Operating Licence means an authorisation granted to an undertaking permitting it to carry out carriage by air of any one or more of the following, that is to say, passengers, mail or cargo, as stated in the operating licence, for either remuneration or hire or both

Airport Charges means:

- (a) charges levied in respect of the landing, parking or taking off of an aircraft at an aerodrome including charges in respect of air navigation and aeronautical communications services;
- (b) charges levied in respect of the arrival at or departure at an airport by air of passengers, or
- (c) charges levied in respect of the transportation by air of cargo, to or from an airport

Aviation Terminal Service Charges means the charges levied in respect of air navigation services provided for aircraft landing at or taking off from an aerodrome or while in the vicinity of an aerodrome before landing at or taking off from that aerodrome.

Coordinator means a natural or legal person with detailed knowledge of air carrier scheduling coordination. They are responsible for allocation and monitoring of slots.

Coordinated Airport means an airport where a coordinator has been appointed to facilitate the operations of air carriers operating or intending to operate at that airport;

Fully coordinated Airport means a coordinated airport where, in order to land or take off, during the periods for which it is fully coordinated, it is necessary for an air carrier to have a slot allocated by a coordinator

Groundhandling means providing services such as the following: marshalling aircraft, loading/unloading, refuelling and baggage handling. Related services include; passenger handling, aircraft maintenance and servicing, surface transport between terminals, catering, and general administration services at an airport

Levy for the purposes of meeting expenses incurred by the Commission in the discharge of its functions under the act, it is entitled to impose a levy upon those whom it regulates to meet but not to exceed the estimated operating costs and expenses of the Commission.

Slot means the scheduled time of arrival or departure available or allocated to an aircraft movement on a specific date at an airport coordinated under the terms of this Regulation;

Terminal Services means the air navigation services provided for aircraft landing at or taking off from an aerodrome or while in the vicinity of an aerodrome before landing at or after taking off from that aerodrome.

Tour Operator means a person other than a carrier who arranges for the purpose of selling or offering for sale to any person accommodation for travel by air, sea or land transport commencing in the State to destinations outside the State or Northern Ireland or who holds himself by advertising or otherwise as one who may make available such accommodation, either solely or in association with accommodation, facilities or other services

Travel Agent means a person other than a carrier who as agent sells or offers to sell to, or purchases or offers to purchase on behalf of, any person, accommodation on air, sea or land transport commencing in the State to destination outside the State or Northern Ireland or who holds himself out by advertising or otherwise as one who may make available such accommodation, either solely or in association with other accommodation, facilities or services.

Schedules Facilitated Airport means an airport where there is potential for congestion at some periods of the day, week or year which is amendable to resolution by voluntary cooperation between air carriers and where a schedules facilitator has been appointed to facilitate the operations of air carriers operating services or intending to operate services at that airport.

Statutory Instrument means a piece of secondary legislation that is made under seal of the appropriate Minister. A primary example of a statutory instrument is a regulation made to give effect to part of an Act of the Oireachtas.