



**Decision on
Passenger Advisory Group and
Passenger Engagement Guidelines in
Regulatory Decision Making for Dublin Airport**

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Commission for Aviation Regulation

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1. Executive Summary

- 1.1 The Commission for Aviation Regulation sets a limit on airport charges at Dublin Airport. Decisions we make directly affect the passenger experience at the airport. Our work impacts the quality of service (for example cleanliness, waiting times at security, information provision, etc.) and the type and quality of new infrastructure delivered by the airport.
- 1.2 This paper sets out three mechanisms to improve passenger engagement in decisions we make in relation to Dublin Airport. First, we will establish a Passenger Advisory Group (the PAG) which will give passenger representatives direct input to inform these decisions. Second, we are issuing guidelines to assist stakeholders who wish to submit evidence based on passenger engagement to us, to ensure that it is of good quality. Third, we aim to better inform passengers by publishing summaries of relevant documents, or sections of documents, in a more accessible format.

What is Passenger Engagement?

Passenger engagement actively involves passengers in problem-solving or decision-making to achieve outcomes which better reflect their views. It can be roughly divided into four levels, from lowest to highest: 1) to inform, 2) to consult, where passenger feedback is considered, 3) to collaborate, when an entity works with passengers to reach decisions and 4) to empower, when passengers have control over decisions.

- 1.3 The three mechanisms that we will implement correspond to different levels of passenger engagement. We will consult passengers through the Passenger Advisory Group and inform them with summaries of our documents. The airport and airlines may choose the level of passenger engagement they use as evidence in their submissions to us.
- 1.4 We will implement the three mechanisms on a pilot basis when making our decision on airport charges at Dublin Airport for 2020 onwards (the decision will last for at least four years). We will review these arrangements to see how effective they were.

Passenger Advisory Group

- 1.5 The Passenger Advisory Group will comprise a range of organisations that represent the diversity of passengers at Dublin Airport. The airport and airlines will not be members of this group.
- 1.6 We will work with the Passenger Advisory Group to improve our understanding of what is important to passengers. From November 2018 to May 2019, we expect to hold five meetings with the group to examine how passenger priorities are addressed by proposals on quality of service and capital investment projects. The group will advise us rather than make decisions.
- 1.7 In advance of each meeting, we will provide information to the group about what will be discussed and this will be shared with the airport, airlines and other interested parties. After the meetings, we will share with stakeholders the conclusions reached by the group.

2019 Determination Process



Passenger Engagement Guidelines for Stakeholders

- 1.8 The guidelines are designed to improve the transparency of the extent to which submissions by Dublin Airport and airlines align with the interests of passengers. The guidelines set out the way that the outputs of passenger engagement by these stakeholders are communicated to us. The guidelines also clarify how we will interpret those outputs.
- 1.9 The guidelines set out the purpose and principles of high-quality engagement. The purpose of engagement generally is to understand and balance potentially diverse passenger priorities and establish ways to address them. High-quality passenger engagement should be reflective of potentially changing needs of passengers. It should also focus on giving passengers real opportunities to influence the process in a transparent and objective manner.
- 1.10 The guidelines set out the criteria that we will use to assess the quality of passenger related evidence which is used to support a submission.
- 1.11 Ahead of our decision in 2019, stakeholders are encouraged, but not required, to support relevant elements of their submissions with evidence from passenger engagement that they already conduct or which is readily available to them. While stakeholders are not required to collaborate before and after passenger engagement, such collaboration could result in better outcomes. Quality of service measures and capital projects would be examples of topics in which there is significant scope for high quality passenger engagement.

Summaries of our Documents

- 1.12 We will aim to better inform passengers through the publication of summaries of our documents, where relevant to passengers. The summaries will comprise of key elements of certain decisions, and what the implication is for passengers.

Background

- 1.13 This Decision follows consultation on draft guidelines, the proposal to establish an advisory group and our initiative to better inform passengers through more accessible documents set out in CP16/2017. In February 2018, we received three submissions to our consultation from Aer Lingus, Dublin Airport and Ryanair. These submissions informed this Decision and are published alongside it. Detailed responses to the submissions are in Appendices 1 and 2.

2. Passenger Advisory Group and Summaries of Documents

- 2.1 This section details two mechanisms that we will implement to improve our own passenger engagement in relation to the decisions that we make in relation to Dublin Airport.¹

Passenger Advisory Group

- 2.2 We will establish a Passenger Advisory Group that will give passengers representatives direct input to help inform our decisions. Here we define the Terms of Reference of the group.

Principles

- 2.3 The engagement with the group will be focused on real opportunities to influence our decisions.
- 2.4 The group will be provided with information about the topic for consultation, including the opportunities and constraints involved.
- 2.5 The group will act in an advisory capacity only.
- 2.6 The group will be given sufficient time, whenever possible, to provide meaningful engagement. We will strike a balance between ensuring appropriate timelines for engagement and the need for timely decision making.

Membership

- 2.7 The group will be comprised of a range of organisations that represent the diversity of passengers at Dublin Airport. Examples of various passenger segments are: the elderly, families with children, business and leisure passengers and passengers with reduced mobility. The airport and airlines will not be members of this group. We will endeavour to appoint passenger representatives to ensure the group reflects the views of the majority of passengers at Dublin Airport.

Purpose and Scope

- 2.8 The group will be tasked with improving our understanding of passenger requirements. The group will also provide its assessment of the extent to which passenger priorities are addressed by proposals on quality of service and selected capital investment projects. The following topics are within the scope of the group:
- the identification of priorities of passengers at the airport (what is important to passengers)
 - the identification of major issues (areas which require improvement), if any, related to the passenger experience at the airport
 - the evaluation of existing quality of service outcomes, measures and targets at

¹ For the purposes of this paper, a passenger is defined as a current or future person landing in/arriving to or taking-off/departing from Dublin Airport.

- the airport, and the assessment of our current thinking for the future regime
- infrastructural development at the airport
- the extent to which proposals address passenger priorities related to quality of service and capital projects

Meetings

2.9 We will chair five meetings from November 2018 to May 2019 with the following themes:

1. Introduction and identification of priorities and major issues of the passenger experience at Dublin Airport
2. Overview of the proposal of Dublin Airport on selected capital projects
3. Overview of the existing quality of service targets and the proposal of Dublin Airport and our current thinking for the future regime
4. Overview of our proposals (draft determination) on quality of service
5. Overview of our proposals (draft determination) on selected capital projects

2.10 We will discuss this work plan with the group at the first meeting and will amend as necessary. At least 2 weeks in advance of each meeting, we will provide information to the group about what is going to be discussed.

2.11 The engagement with the group will be timely before the publication of our 2019 Determination in September 2019, as illustrated below.

2019 Determination Process



Collaborative Process – Before and After Meetings

2.12 We will follow a collaborative process to ensure that the group is transparent and accountable. We will publish in advance of the group meetings, the following:

- the objective and scope of the meeting
- the participants at the meeting
- the timeline of the process

2.13 We may invite stakeholders to make presentations to the group if relevant to the topic for discussion. Stakeholders will have two weeks to comment on the conclusions reached by the group after the meetings.

Recruitment and Appointment

2.14 We will recruit approximately 8-12 members that represent various passenger segments. We will appoint members based on expressions of interest. Strategies to seek membership nomination may include:

- seeking recommendations from relevant bodies
- open advertisements
- direct approach to passengers of Dublin Airport

Conflicts of Interest

2.15 Members must declare any conflicts of interest whether actual, potential, apparent or likely to arise.

Support

2.16 Members do not receive remuneration.

Evaluation

2.17 We will review the effectiveness of the group over time.

Summaries of our Documents

2.18 We will aim to better inform passengers through the publication of summaries of our documents where these are relevant to passengers. The summaries will comprise of the key elements of certain decisions and what it means for passengers. Summaries may be a standalone document. Main documents will remain as they currently are.

2.19 Summaries will not include the technicalities of the price control but focus on areas that are important and meaningful for passengers, such as the topics that we identified in the scope of the Passenger Advisory Group.

3. Passenger Engagement Guidelines for Stakeholders

- 3.1 This section sets out guidelines on passenger engagement used as evidence in submissions that Dublin Airport and airlines make to us. The guidelines should assist stakeholders who wish to submit evidence based on passenger engagement to us, to ensure that it is of good quality.
- 3.2 The guidelines are designed to improve the transparency of the extent to which regulatory submissions by stakeholders align with the interests of passengers. The guidelines set out the way that the outputs of passenger engagement are communicated to us. The guidelines also clarify how we will interpret those outputs.
- 3.3 The guidelines are not intended to prescribe how stakeholders should engage with passengers.
- 3.4 For the 2019 Determination, the guidelines will be implemented on a pilot basis. The primary purpose is to encourage respondents to provide evidence in relation to passenger engagement which has already been conducted or which is readily available. In the next regulatory period, we will evaluate the effectiveness of the guidelines. We will keep the guidelines under review and amend as necessary.

Purpose of Passenger Engagement

- 3.5 Generally, the purpose of using passenger engagement to inform submissions to us is to understand the widest range of passenger priorities, and balance the diverse interests between different segments of passengers, as well as current and future passengers. Engagement may also be used to find ways to address passenger priorities through proposals, and in the case of Dublin Airport, through a robust and well evidenced regulatory submission and capital investment plan that meet passenger priorities

Principles of High-quality Passenger Engagement

- 3.6 Passenger engagement that follows these principles will be assessed more favourably than engagement that does not.
- 3.7 High-quality engagement should:
 - assist Dublin Airport in delivering efficient and high-quality airport services that meet the needs of current and future passengers.
 - be reflective of potentially changing needs of passengers in order to assist in 1) understanding and responding to the needs of passengers and 2) planning and delivering, on a timely basis, the infrastructure and services required by passengers at an appropriate point on the price/quality spectrum.
 - focus on giving passengers real opportunities to influence the process in a transparent and objective manner.

Submission of Evidence of Passenger Engagement

3.8 Dublin Airport's submissions could show evidence of:

- passenger engagement related to passenger priorities, quality of service measures and capital projects relevant to passengers
- how its regulatory submission and capital investment plan meet the priorities of passengers
- how proposed capital projects comply with Regulation (EC) No 1107/2006 and other guidelines.²

3.9 When stakeholders support their regulatory submissions with passenger engagement evidence, they should provide, where relevant:

- the reasons for the engagement, including clear objectives
- the terms of reference
- the methodology for data gathering and engagement
- the scope and limitations/constraints of the engagement
- other information that stakeholders consider appropriate

3.10 The above items would allow us, and other interested parties, to better understand the passenger engagement and interpret its results.

Regulatory Treatment

3.11 We envisage that passenger engagement will provide additional evidence to support or challenge regulatory proposals, especially when there is no agreement among stakeholders. We will consider passenger engagement alongside other evidence to arrive at decisions.

3.12 Dublin Airport and airlines can decide how to engage passengers and which engagement forms part of their submissions to us.

3.13 In this pilot, we are not expecting passenger engagement to be conducted solely with the intention of following these guidelines. Instead, the guidelines aim to provide transparency on what we consider to be high quality passenger related evidence. If Dublin Airport decides not to engage with passengers for investment projects or quality of service measures and targets, it will not be required to explain why it made this decision.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006R1107&from=EN>

Quality Assessment of Passenger Engagement

- 3.14 A submission that is supported by evidence from high-quality passenger engagement is more likely to meet passenger priorities. We will assess the quality of passenger engagement with regard to the criteria below. There is no order of preference among the criteria. Passenger engagement evidence does not need to meet all of these criteria, but the more criteria it meets, the higher its quality and the higher the weight it will have in our decision-making. We will regard favourably:
- Engagement that first seeks to establish passenger priorities, with subsequent engagement showing how these priorities are being met
 - Independent (external) research compared to internal research
 - Evidence gathered through a range of methodologies including qualitative/quantitative research, surveys, focus groups, panels, complaints data and other market intelligence, etc
 - Relative (ordered) preference rankings compared to absolute value estimates such as willingness-to-pay (WTP)
 - Research based on passengers’ revealed preferences (e.g. past purchasing behaviour) compared to stated preferences (e.g. hypothetical purchasing behaviour). However, we acknowledge that revealed preferences may not be available when engaging with future passengers.
 - Passenger engagement that seeks to represent the views of a diverse range of passengers, including current and future passengers
- 3.15 The meaning of “compared to” in the criteria refers to a preference ordering, but does not eliminate the lower preference options.

Collaborative Process ahead of 2019 Determination

- 3.16 While stakeholders are not required to collaborate before and after passenger engagement, such collaboration could result in better outcomes.
- 3.17 A lack of collaboration at an early stage poses risks for stakeholders. For instance, shortcomings or weakness identified after the work has been concluded, or is at an advanced stage, are likely to be more difficult to overcome.

A. Appendix 1. Response to Submissions on Draft Guidelines

A.1 This section summarises the proposals we made in CP16/2017 in relation to the draft guidelines, followed by the submissions received, in February 2018, and our responses to the submissions.

General Submissions on the Need for Passenger Engagement

A.2 Following our consultation CP9/2017, we stated in CP15/2017 that we remained of the view that there is insufficient evidence that the views of passengers have explicitly been taken into account in our regulatory decision making process.

Submissions

A.3 In general, Aer Lingus questions the need for a formal process of passenger engagement because:

- airlines compete and have an incentive to ensure that the regulatory outcome at the airport satisfies the widest pool of passenger requirements.
- under the price cap, the airport is incentivised to engage with passengers so as to increase traffic through the satisfaction of passenger requirements.

A.4 Dublin Airport states that:

- the CEPA report commissioned by us provides little evidence of any failure on Dublin Airport's part to engage adequately with passengers.
- Dublin Airport did not receive a request to provide any such evidence as part of this consultation and would have been able to do if requested by us.
- Dublin Airport has not previously been required to demonstrate that passenger views have been explicitly accounted for in its submissions to us and its submissions were therefore not tailored accordingly.

A.5 Ryanair states that all respondents to CP9/2017 confirmed that they take account of passengers' views. According to Ryanair, passengers' views have been "explicitly taken into account", and our proposals are unnecessary. Ryanair suggests that we should engage directly with airlines in order to understand passengers' expectations.

Response

A.6 In CP15/2017, we stated that our experience to date has been that passengers have not been well represented in written submissions even though our consultations are public and open to all stakeholders. We are aware that a number of stakeholders have described how passenger engagement feeds into their regulatory submissions. However, we also indicated that while submissions may have been implicitly based on high quality passenger research, stakeholders have not clearly and explicitly demonstrated it. We acknowledge that until now stakeholders had not been required to demonstrate this. The guidelines are designed to encourage stakeholders to communicate to us more explicitly how they engage with passengers and how they use passenger related evidence to support their submissions.

Q1. Draft Definitions and Levels of Engagement

A.7 We proposed definitions of passengers at Dublin Airport, passenger engagement and examples of engagement. We also proposed to define engagement as a process that ranges from informing to empowering consumers.

Submissions

A.8 Aer Lingus stated that we have not taken into account the fact that stakeholders are continuously responding to the demands of their respective passengers.

A.9 The submission of Dublin Airport states that:

- the definitions suggest a misunderstanding and exaggeration of the role of passenger engagement.
- the Commission is wrong to confuse engagement with passenger involvement in decision making.
- passengers have no role in the management of the airport and no legal responsibility over its activities.

Response

A.10 We decided not to change the definitions of passenger, passenger engagement and its levels. As stated in paragraph 1.3, we are not dictating the level of passenger engagement that may be chosen by Dublin Airport or the airlines. The definition set out the possible range of levels of passenger engagement, from the minimum to the maximum level conceivable. CP16/2017 did not suggest in any way that Dublin Airport should give passengers a decision-making role at the airport. The definitions simply put the discussion on passenger engagement mechanisms into context.

Q2. Draft Objectives

A.11 We proposed that the objective of passenger engagement in regulatory proposals should be to:

- understand the widest range of passenger interests, and balance them.
- identify passenger priorities.
- support regulatory proposals that are economically and technically viable and have sound business cases.

Submissions

A.12 Aer Lingus states that it engages with passengers to inform its submissions to us. It states that, for example, airlines determine actual rather than hypothetical values that passengers are willing to pay. It also suggests that any submission should be assessed based on sound economic analysis as part of a business case, rather than a less rigorous process.

A.13 Dublin Airport suggests that the real test should be to consider to what extent the engagement has informed the regulatory submission of the airport.

Response

- A.14 We decided to amend the objective of the guidelines in response to the submission from Dublin Airport. Passenger engagement should be used to:
- understand the widest range of passenger priorities, and balance the diverse interests of passengers
 - address passenger priorities through regulatory submissions, and in the case of Dublin Airport, through a robust and well evidenced regulatory submission and capital investment plan that meets passenger priorities

Q3. Draft Incentivisation

- A.15 We proposed to incentivise Dublin Airport and airlines to use passenger engagement as part of their regulatory submissions. Specifically, we proposed that regulatory submissions based on evidence from passenger engagement, which followed the draft guidelines, would be looked upon relatively more favourably.
- A.16 We also proposed that where an aspect of a regulatory submission could benefit from passenger engagement but no such evidence was presented, the relevant stakeholder should explain why the engagement was not carried out.

Submissions

- A.17 Aer Lingus states that Dublin Airport should not be further incentivised to do something that it already should be doing and that is in its best interest to do.
- A.18 Dublin Airport states that this is not a formal incentive, but instead we rely on encouraging the airport to produce a sound, well evidenced and robust plan. Adding that by focussing on the quality of the engagement, we are focussing on the inputs but not on the value to customers from conducting the engagement. However, it also acknowledges that lessons from other regulators have shown that careful consideration is required to determine the quality of the engagement and research

Response

- A.19 In response to the submissions, we amended the objective of the guidelines as stated in paragraph A.14. Also, the primary purpose of the pilot guidelines is to encourage respondents to provide evidence in relation to passenger engagement which has already been conducted or which is readily available.
- A.20 Dublin Airport and airlines may decide which passenger related evidence they will provide to us and in relation to which part of their regulatory submissions. If Dublin Airport decides not to engage with passengers for investment projects or quality of service measures and targets, it will not be required to explain why it made this decision.

Q4. Draft Criteria

- A.21 We proposed to assess the quality of passenger engagement with regard to the criteria below:

- Engagement that seeks to establish passenger priorities and addresses them
- Independent research compared to internal research
- Evidence gathered through a range of methodologies
- Relative preference rankings compared to absolute value estimates
- Revealed preferences compared to stated preferences
- Engagement consulted on following a proposed collaboration process
- Engagement that seeks to represent the views of a diverse range of passengers

A.22 We proposed that the more criteria the passenger engagement work meets, the higher its quality and the stronger the weight it would hold in our decision-making.

Submissions

A.23 Aer Lingus does not support the proposed criteria because the stakeholder who has the most resources to invest in providing 'quality' passenger representation data to support their position is the most likely to convince us of the merit of their proposal.

A.24 Dublin Airport supports our proposal of not prescribing how the Airport undertakes its research. However, the Airport states that our proposal has added considerable uncertainty and ambiguity by not stating:

- if explicit engagement work is actually required and, if so, when it is required.
- if the criteria also imply that little or no passenger engagement work associated with a submission means that it will be looked upon less favourably by us.
- if a particular form of passenger engagement is preferred or if all of those listed should be considered in every submission.
- that the meaning of “compared to” in the criteria refers to a preference ordering, but does not eliminate the lower preference options.

A.25 Other comments in the airport’s submission are:

- It is not clear why we prescriptively referred to WTP studies as opposed to the many other methods of measuring customer value.
- Paragraph 3.9 of CP16/2017 is confused and in practice there is no contradiction between the use of WTP and setting opex/ capex allowances on an efficient basis.
- regulators typically encourage their companies to use a range of methodologies to corroborate their findings by a process of “triangulation”.

Response

A.26 In response to stakeholders’ submissions, for the 2019 Determination process, stakeholders are encouraged, but not required, to support relevant elements of their submissions with evidence from passenger engagement that they already conduct or which is readily available to them.

- A.27 Dublin Airport and airlines may decide which existing evidence they will provide along with their regulatory submissions. Such evidence might relate to 1) high-level passenger priorities and 2) quality of service measures and capital investment projects that are relevant for passengers. If a given piece of work on passenger engagement does not comply with each of the criteria, we will assess the work according to the criteria it complied.
- A.28 The intention of the original criteria was not to require stakeholders to use each methodology. The criteria was for us to assess the relative value of different methodologies that the stakeholders may have used. The meaning of “compared to” in the criteria refers to a preference ordering, but does not imply that the less preferred option would be dismissed. These criteria are complementary to our preference for evidence that has been cross-validated by using more than one methodology and will, all else being equal, be considered more reliable.

Q5. Proposed Principles of Good Engagement

- A.29 We proposed the following principles to guide Dublin Airport in demonstrating good passenger engagement:
- Deliver airport services that meet the needs of current and future passengers.
 - Continually engage with passengers.
 - Engage with passengers in relation to their regulatory submissions.
 - Engage with passengers early in a transparent and objective manner.
- A.30 We stated that the latter two principles also apply to airlines and other stakeholders if they wish to demonstrate good passenger engagement.

Submissions

- A.31 Aer Lingus states that the principles proposed are already part of the status quo.

Response

- A.32 In our final decision, we changed our proposed principles as follows:
- Engagement should be reflective of potentially changing needs of passengers, instead of being continuous.
 - Engagement should focus on giving passengers real opportunities to influence the process, instead of engaging passengers early in the process.

Q6. to Q9. and Q11. Collaboration Process

- A.33 We proposed a collaboration process among stakeholders before and after passenger engagement. We also proposed that we may choose to make submissions in the collaboration process on passenger engagement.

Submissions

- A.34 Aer Lingus does not support the process because it would lead to expenditure by stakeholders without adding value. It also states that there is a risk of perceived and/or actual bias with our suggestion of making submissions and then assessing a proposal based on our submissions.
- A.35 Dublin Airport does not support the proposed collaboration process because:
- is intrusive, unrealistic and bears little or no relation to how good customer engagement is managed.
 - has potential to be a convoluted and time-consuming process that risks undermining the robustness and credibility of the research itself.
 - misguided, impossible to implement, contrary to the concept of engagement as a continuous process
 - contrary to any requirement from other regulators.
- A.36 Dublin Airport cites the following risks that may arise when collaborating before or after conducting passenger engagement:
- the airport becomes a facilitator rather than the primary driver of research, with implications for how the results can be reflected in the business plan.
 - research is not conducted in a timely or cost-effective way, or less research is undertaken as the resource requirement would increase significantly.
 - Stakeholders do not have the technical knowledge to improve the quality of the research.
 - It is naïve to suppose that all stakeholders could agree on the form of passenger engagement. Such a consensus may often not exist, which could prevent the customer evidence from being collected in the first place.
 - the robustness and credibility of the research can be tested once the research is completed, so the incentives for the airport to conduct robust research are maintained.

Response

- A.37 The collaborative process proposed in CP16/2017 did not require all stakeholders to agree on the form of passenger engagement. Stakeholders are diverse and, at times, consensus may be difficult to achieve. In our regulatory decisions, we do not generally require consensus but we require transparency and consultation among stakeholders. For example, the consultations on capital expenditure projects do not require consensus.
- A.38 We believe that the proposed collaborative process would lead to better outcomes by allowing a transparent discussion along the process of passenger engagement. However, we will not require this process ahead of the 2019 Determination. A lack of collaboration at an early stage poses risks for stakeholders. For instance, shortcomings or weakness identified after the work has been concluded, or is at an advanced stage,

are likely to be more difficult to overcome.

Q10. Airport Design

A.39 We proposed to require Dublin Airport to explicitly demonstrate that its proposed capital projects comply with the requirements on airport design as per Regulation (EC) No 1107/2006. We also proposed to encourage compliance with other guidelines, for example guidelines of the Irish Wheelchair Association or guidelines compatible with universal design.

Submissions

A.40 Aer Lingus is supportive but stated that this objective can be achieved under the existing regulatory framework.

A.41 Dublin Airport states that, under current legislation, it is required to comply with S.I. 513/2010 which requires a disabled access certificate of the design proposal to be submitted to local planning authorities for approval prior to any airport works commencing. According to the airport, this is a statutory requirement for new buildings and extensions to existing buildings.

A.42 Dublin Airport also confirmed that it seeks the advice of various experts when planning airport development. The examples given by Dublin Airport are: Irish Wheelchair Association, Irish Guide Dogs for the Blind, Inclusion Ireland, National Disability Authority, National Council for the Blind of Ireland, Irish Deaf Society, Hearing Loss Ireland and Irish Autism Action.

Response

A.43 Dublin Airport has confirmed that airport development is compliant with Regulation (EC) No 1107/2006 and other guidelines. We decided that it is optional for Dublin Airport to explicitly demonstrate to us the compliance of relevant projects with this Regulation and other optional guidelines as part of their proposed capital investment program.

B. Appendix 2. Response to Submissions on Draft Group and Accessible Documents

B.1 This section summarises the proposals we made in CP16/2017 in relation to the draft group and accessible documents, followed by the submissions received, in February 2018, and our responses to the submissions.

Q12. Commission Documents More Accessible to Passengers

B.2 We proposed to better inform passengers through the publication of documents that are relevant to passengers in a more accessible format. We proposed that documents could be, for instance, an executive summary of the key elements in our decisions that are relevant to passengers.

Submissions

B.3 The submission of Dublin Airport questioned:

- if we intend to create parallel “simplified” documents, in which case the two documents risk not to convey exactly the same message.
- if we intend to simplify our existing documents, in which case they may not remain fit for purpose for the main audience that requires technical details.
- If these documents would improve engagement. The submission stated that feedback from user groups shows that they believe price controls are too technical to engage with directly.

Response

B.4 We will publish a summary of the key elements of topics relevant to passengers in our regulatory decisions. Summaries will not include the technicalities of the price control but focus on areas that are important and meaningful for passengers, such as the topics that we identified in the scope of the Passenger Advisory Group.

B.5 Main documents will remain as they currently are. Summaries may be a standalone document. We will endeavour to convey the same meaning in both main documents and summaries.

Passenger Advisory Group

Q14. Purpose, Principles and Scope

B.6 We proposed that the purpose of the Passenger Advisory Group should be:

- improving our understanding of passenger requirements in our decision making
- providing an additional assessment of regulatory submissions from the perspective of outcomes and priorities that benefit passengers

B.7 We proposed six principles related to the role of the group to influence our decisions, our engagement with the group and its membership.

B.8 We proposed the scope to cover four topics that we consider to be relevant to passengers at Dublin Airport and to which passengers are able to provide valuable feedback about:

- the identification of priorities of passengers at Dublin Airport
- the assessment of the passenger experience at Dublin Airport
- the evaluation of current (and the identification of new) quality of service outcomes, measures and targets at Dublin Airport
- the need for capital expenditure projects at Dublin Airport

Submissions

B.9 The submission of Dublin Airport suggests that it is not clear how this panel will help with the identified problem of under engagement by minority passenger groups. The submission also notes that:

- there was no general support for any type of panel among the passenger representatives consulted by us at the workshop in May 2017.
- the group would have no technical expertise to comment on the quality of its customer engagement or, more generally, on the quality of its regulatory submission.
- passengers have no conception of what it takes to run an airport successfully, or, of the complex relationship between demand and long-term capacity needs or the interactions between stakeholders.

Response

B.10 The Passenger Advisory Group will assist us in assessing the extent by which the regulatory submission and the capital investment program by Dublin Airport meet passenger priorities. The group is not focused only on the priorities of a minority of passengers, but rather on balancing the identified priorities of the widest range of passengers.

B.11 The group will not be tasked with assessing the quality of the passenger engagement used to inform the submission by the airport. The quality assessment will be done by the Commission using the criteria in paragraph 3.14.

B.12 The group is advisory and technical topics will be out of scope. The group will identify priorities, assess the passenger experience and evaluate certain aspects of the airport's submission and our draft decision from the perspective of passengers. In advance of each meeting, we will share with the group relevant information to perform its tasks. We will share with the airport, airlines and other interested parties information on what will be discussed at the group meetings. After the meetings, we will also share with interested parties the conclusions reached by the group.

B.13 For the 2019 Determination, we decided to extend the purpose of the group to also assess the extent of how our 2019 Draft Determination meets the priorities of passengers at the airport, in particular in terms of quality of service and selected

capital investment projects.

- B.14 We deleted the principle related to membership as it is dealt with in the “Membership” subsection. We also deleted the principle about the group’s input being only one factor in our decision making as this is implicit in the principle of the group being advisory.

Q15. Membership, Chair and Appointment

- B.15 We proposed that membership should be open to all segments of current and future passengers at Dublin Airport. We also proposed that members could be appointed as individuals or as representatives of an organisation. We stated that the group should comprise of approximately 8-12 members that represent various passenger segments. We suggested that members should be appointed by us based on expressions of interest and we would chair the meeting(s).

Submissions

- B.16 The submission of Dublin Airport requests clarity on how we will ensure the representativeness of this group, for example representation of:
- all the variations of passengers at the airport by recruiting only a small group of 12 or fewer members.
 - inbound passengers who are resident overseas but that comprise roughly half of all passengers at Dublin Airport.
- B.17 It also suggests that we should ensure panellists are not self-selected.
- B.18 Dublin Airport raises two questions in relation to our proposal of chairing the panel:
- whether the views expressed by the panel could be viewed to be independent as we will lead the panel, and choose the scope of the topics discussed.
 - whether other stakeholders should be given the opportunity to engage with or seek guidance from the panel members, and / or seek to challenge assertions arising from the panel.

Response

- B.19 We will aim to appoint passenger representatives, rather than individual passengers. This will help to ensure that the group is representative of the majority of passengers at Dublin Airport. The size of the group strikes a balance between being representative but also cost efficient.
- B.20 We will chair the meetings of the group. We will ensure the transparency and accountability of the group by means of a collaborative process before and after meetings. We may invite stakeholders to make presentations to the group if we deem that the presentation is relevant to the topic for discussion.

Q16. Meetings

B.21 We proposed that, at the start of each year, we would discuss the work plan with the group and provide the appropriate documentation, background briefing and other information as required throughout the year before each meeting. We proposed to circulate relevant documents to the group at least 2 weeks in advance of meetings.

Submissions

B.22 The responses did not refer to this proposal.

Response

B.23 We decided that we will meet the Passenger Advisory Group from November 2018 to May 2019 to discuss the topics identified in the scope. The engagement will be timely before the publication of our 2019 Determination in September 2019. We decided to discuss this work plan with the group at the first meeting and will amend as necessary. At least two weeks in advance of each meeting, we will provide information to the group about what is going to be discussed.

Q16. Support

B.24 We proposed that members of the group are volunteers and do not receive remuneration.

Submissions

B.25 Dublin Airport states that it recognises that national policy is driving a greater emphasis being placed on the passenger and that the Commission is seeking to progress this in an efficient and low-cost manner.

Response

B.26 The submissions received support the group operating in a cost effective way.

Q18. Collaborative Process

B.27 We proposed to notify stakeholders, in advance of the group meetings, about the scope and participants at the meeting, as well as the timeline of the consultation process. We also proposed to allow stakeholders two weeks to comment on the conclusions reached as a result of the meetings.

Submissions

B.28 The responses did not refer to this proposal.

Response

B.29 The proposed collaborative process will be implemented. Stakeholders may make submissions in relation to the group meetings. The collaboration will help ensure that

the engagement with the group is transparent and accountable.

Evaluation

B.30 We proposed to review the effectiveness of this arrangement over time.

Submissions

B.31 Aer Lingus states that it is not clear how the outcome of the next regulatory process could be expected to improve as a result of the formal passenger representation process proposed by the Commission. It suggests that the Commission should implement the process of passenger engagement on a pilot basis.

B.32 Dublin Airport requested us to define what success will look like, how the success of this group will be measured, or who will be accountable for the operational running and ultimate effectiveness of the group.

Response

B.33 In response to these submissions, we will implement the group on a pilot basis. Our collaborative process will ensure the transparency and accountability of the group. We will review the effectiveness of the group in the next determination period.