

Commission for
Aviation
Regulation
Annual Report 2004

Report to the Minister For Transport

for the year ended
31st December 2004

30th March, 2005

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Foreword

"...I would also like to thank the many persons and organisations that contributed to the work of the Commission during the year."

I am pleased to present the fourth Annual Report of the Commission for Aviation Regulation. The Report summarises the activities of the Commission during 2004 and sets out the Commission's Work Programme for the current year.

The most significant challenge faced by the Commission in the year was to commence a comprehensive examination of its approach to the regulation of airport charges in light of the enactment of the State Airports Act, 2004. This examination will continue in 2005 and must be concluded by 1 October 2005 at latest in the form of a new determination relating to airport charges at Dublin Airport.

The achievements of the Commission during 2004 would not have been possible without the expertise, professionalism and diligence of the staff of the Commission, and I would like to once again place on record my appreciation to all of them for their contribution to the achievement of the Commission's Work Programme in 2004. In addition, I would also like to thank the many persons and organisations that contributed to the work of the Commission during the year.

Finally, I would like to express my appreciation to Ministers Seamus Brennan, TD, and Martin Cullen, TD, and the officials of the Department of Transport for their support during 2004.

William Prasifka

Commissioner

30th March 2005

Review by Statutory/Functional Area

Airport Charges

Judicial Review of the Commission's Determination on Airport Charges

Background

The High Court delivered Judgment on 3 April 2003 in respect of the challenge brought by Aer Rianta (now the Dublin Airport Authority since 1/10/04 – hereafter the DAA) by way of Judicial Review. The Court rejected the arguments put forward by the DAA on all issues raised during the litigation, and also made an Order awarding costs to the Commission. The DAA sought leave to appeal to the Supreme Court and this application was heard on 4 June 2003. Three of the four grounds of appeal put forward by DAA were rejected by the Court and leave to proceed was granted on one ground only on the basis that it raised a question of exceptional public importance. Given that the Order perfecting the High Court Judgment was not secured by the DAA for a considerable time, no further developments took place in 2003.

Activity in 2004

The High Court Order of June 2003 was perfected in early January 2004 and the DAA lodged a Notice of Appeal on 30 January 2004. The Notice of Appeal, which was lodged however, did not restrict itself to the single ground for which approval had been granted but sought to re-admit all the original grounds of appeal as well as requesting the Court to set aside the Order as to the Commission's costs. Given this development, the Commission in response, lodged a Notice of Motion with the Supreme Court requesting the Court to limit the appeal to the single certified ground. The Supreme Court was asked on 30 April 2004 for a date for the hearing of the Commission's Motion and the 11 October 2004 was set as the earliest available date. Immediately prior to that date, the DAA indicated its desire to settle the case. Agreement between the parties was reached on 7 October 2004, which in summary, provided that the Supreme Court action would be abandoned and the Commission would secure its High Court costs, which are to be determined by the Taxation procedure in default of agreement. Clarification on the DAA's position as to agreement or otherwise of the Commission's legal costs is awaited.

Review

A Review of the Commission's airport price caps commenced in April 2003. In November 2003 a notice was published on the issues to be considered, and representations were sought from interested parties and the public. The submissions received were published on the Commission's website in December 2003.

Activity during 2004

During the early months of 2004, the Commission carefully considered the representations received and carried out considerable additional analysis. On 26 March 2004, the Commission published a paper entitled "Review of Determination of Maximum Levels of Airport Charges and Report" (CP2/2004)¹. This contained amended price caps (stated on a calendar-year basis) for the period January 2004 to September 2006. The principal changes to the price caps incorporated the effects of certain exogenous factors such as reduced traffic levels and higher security and insurance costs (after the attacks of 11 September, 2001), the information received after the making of the Determination, (including data relating to useful asset lives and to taxation;) and a change to the mathematical expression of the regulatory price formula so that any over-collection of airport charges' revenue in one year would subsequently be returned once only.

New Determination for Dublin Airport under the State Airports Act, 2004.

The Oireachtas passed the State Airports Act, 2004 on 21 July, 2004. This requires the Commission, as soon as practicable but no later than 1 October 2005, to make a new Determination of the maximum levels of airport charges at Dublin Airport alone. The Act modified the Aviation Regulation Act, 2001 in a number of ways, more particularly with regard to the regulatory objectives set for the Commission and the associated 'due regard' factors.

On 1 October 2004, the Commission published a paper (CP6/2004) setting out the process by which it proposed to make a new Determination. At the same time, it launched a consultation process (set out in CP7/2004) whereby interested parties were asked to submit views as to how the Commission should interpret its changed statutory mandate.

In order to inform and stimulate that debate, the Commission published a paper it had commissioned from independent economic consultants DotEcon on the implications of the de-merger and consequent financial restructuring of the former Aer Rianta for the regulation of airport charges. The Commission also undertook two studies concerning Dublin Airport. These related to:

- (i) Capacity
- (ii) the Operational Efficiency of Dublin Airport.

Work is underway on both projects, which are expected to lead to the publication of the resulting reports during 2005.

Submissions from interested parties were received by the Commission and placed on its website on 18 October 2004

On 12 December 2004, the Commission published its own conclusions on the impact of the changes in the legislation to the making of a new determination (CP9/2004).

Other Projects carried out during the year

Compliance with the Price Caps

The Commission requested and obtained detailed information from the DAA which verified that the Airport Charges Price Caps set by the Commission had been respected. The financial and passenger information obtained, and the Commission's conclusions, were presented in Commission Papers CP1/2004 and CP10/2004. An improved and more comprehensive reporting format was also agreed with the DAA.

External Presentations

During 2004, staff of the Commission accepted invitations to make presentations on airport regulation to the Competition Authority, the Economics Departments of University College Cork and NUI Maynooth, the Competition and Regulation Group, the German Aviation Research Society and Airports Council International (ACI).

Work Programme for 2005

The Commission will

- make a new determination on the Maximum Levels of Airport Charges under the revised mandate of the State Airports Act, 2004 no later than 1 October 2005, and
- assess compliance by the Dublin Airport Authority with the 2004 Determination.

Aviation Terminal Services Charges

Review

The Aviation Regulation Act, 2001 gives the Commission the discretionary power to conduct a Review of the IAA price cap, if it considers there are substantial grounds to do so, on or after the expiration of a period of 2 years following the making of the original Determination dated 26 February 2002.

The Commission announced on 8 April 2004 that it had decided to conduct a review on the basis of the substantial grounds of an error in the regulatory formula. As specified in the February 2002 Determination, an unintended feature of the price cap formula was that it had the effect of allowing for any under or over-collection of revenues, with respect to the Price Cap, to be recovered or repaid more than once. The Commission proposed that the formula be revised to ensure that the required adjustment takes place once only. Representations were sought from interested parties and the public and the single representation received was placed on the Commission's website. Following consideration of that representation, the Commission, on 29 July 2004, issued a revised Determination and Report (CP4/2004), setting out the revision to the Determination (to correct the error) and the reasons for it.

Compliance with the Price Caps

In order to verify that the Aviation Terminal Services Charges Price Cap set by the Commission had been respected, the Commission requested information on Maximum Take-off Weights and the Aviation Terminal Services Charges levied at Dublin, Cork and Shannon airports. The Irish Aviation Authority provided the information requested and the Commission was able to verify compliance with the price cap.

Work Programme for 2005

The Commission will

- continue to assess compliance by the Irish Aviation Authority with Price Cap Determinations, and
- examine the possibility of aligning the regulatory year with the calendar year for ease of reporting.

Licensing and Approvals

Groundhandling Approvals

At the start of 2004, there were 23 approved self-handlers² and 37 approved suppliers of groundhandling services (or third party handlers³) operating between Dublin, Cork and Shannon airports. Of the 23 approved self-handlers, 6 were also approved to provide services to third parties. The Commission granted 1 self-handling approval and 4 third party handling approvals during 2004.

During 2004, one air carrier voluntarily surrendered its self-handling approval following suspension of operations. With regard to approvals held by suppliers of groundhandling services, one groundhandling company voluntarily surrendered its approval following a decision to no longer operate in the market and another company was issued with a new approval in order to re-align the name on the approval document with the legal name of the company actually providing the service. In addition, at the request of one-third party approval holder, the Commission reviewed the activities of this company and a decision was made to the effect that the company was deemed to no longer require an approval.

At the end of 2004, there were **23** approved self-handlers and **38** approved third party groundhandlers operating between Dublin, Cork and Shannon airports.

In the interests of good regulatory practice and in compliance with the relevant Regulations, the Commission ensures that proper financial information is submitted by approved groundhandlers on an annual basis. For ground handling companies providing services to third parties, legislation requires the submission of separated accounts to the Commission. The Commission also requires that updated insurance details be submitted by approved groundhandlers on an annual basis. During 2004, the Commission (in co-operation with the DAA) carried out a review of the application process in place in both organisations for Groundhandling. These discussions are still ongoing with a view to having a more streamlined approach to the approvals process, which reflects the roles of both the airport authority and the Commission.

Access Fees to Airport Installations.

Under EU Council Directive 97/67/EC, as transposed by Statutory Instrument 505 of 1998, entitled "European Communities (Access to the Groundhandling Market at Community Airports) Regulations, 1998", an airport authority is entitled to impose a fee for access to airport installations granted to providers of groundhandling services at the State airports. Where a decision is taken by the airport authority to impose a fee, the authority is obliged to submit to the Commission in advance, a request for approval of the proposed fee in accordance with the criteria set out in the Statutory Instrument.

² An airline may choose to provide its own ground-handling services (**self-handling**).

³ An airline may enter into a contract with another company for the provision of ground handling services (**third party handling**), be it another airline or a dedicated ground handling company.

Fees for check-in desk rental had been in place at the Irish State airports in the normal way prior to the making of the Directive and the S.I. The DAA had introduced increases to these fees and to a significant number of other fee categories, as from 1 January 2001.

Following clarification provided by a decision of the European Court of Justice in 2003, that a check-in desk constituted an example of an "airport installation" the Commission received a request in July 2004 from the DAA for the approval of an annual and hourly fee structure in respect of check-in desk rental at the three State airports, together with an approval request for a fee for the use of CUTE (Common User Terminal Equipment) at Shannon Airport. The Commission carried out an analysis of the DAA submission and the financial data underpinning the request, and in the interests of transparency and best practice, the Commission sought the comments of the industry in its consultation paper CP5/2004 issued on 17 August 2004.

Eight submissions were received and published on the Commission's website in accordance with normal practice. Following consideration of the views received and having conducted an analysis of the request for approval in accordance with the criteria specified in the legislation, the Commission published its decision by way of Commission Paper CP8/2004 on 6 October 2004. The Commissioner's decision, as set out in that document was to grant approval to the DAA from the date of the decision for an annual and hourly fee in respect of check-in desk rental at all three State airports and in addition it granted approval for a fee in respect of use of the CUTE facility at Shannon airport by way of a fee per embarking passenger. It was also provided that the DAA be permitted to increase the check-in desk fee in line with inflation as of 1 July of each year.

As part of its decision, the Commission also set down that in advance of any future applications for approval of fees, the Commission would require substantive engagement by the DAA with the Airport Users Committee or other relevant grouping. This process is intended to avoid for the most part, a cumbersome or time-consuming consultation process.

In the light of the criterion in the S.I. that approval for access fees is required to be secured in advance from the Commission, the approval granted to the DAA in October last was, as previously stated, effective from a current date. The DAA have sought retrospective approval going back to 1 January 2001 for the fees that were levied, from that period up to October 2004. This issue, which will centre on the question of legal validity and interpretation, is under active consideration by the Commission and a decision will be made in early 2005.

Summary of Licensing Activity

Groundhandling Approvals	End of 2003	End of 2004
Self-handlers	23	23
Third party handlers	37	38

Work Programme for 2005

The Commission will

- continue to perform its functions with regard to the licensing and monitoring of Groundhandling companies, and
- continue to monitor developments at European level with regard to the review of Council Directive 96/67/EC.

In addition

- 18 groundhandling approvals are due to expire during 2005. The Commission has designed a Renewal Form which will be forwarded as appropriate to the relevant companies during the course of the year.

Air Carrier Licensing

On 1 January 2004, there were 18 licensed Irish air carriers registered in Ireland. During 2004, the Commission issued Air Carrier Operating Licences to two new operators. However, during 2004, two licensed operators voluntarily surrendered their Air Carrier Operating License following the suspension of operations. Another licensed operator was requested by the Commission to surrender its Operating Licence after the removal of all aircraft from its Air Operator's Certificate (AOC), leaving the company with no aircraft at its disposal and therefore placing it in contravention of the relevant legislation in this area.

At the end of 2004, there were **17** licensed Irish airlines. Of the 17 licensed Irish air carriers, **9** held Category A licences⁴. The remaining **8** held Category B licences⁵.

The legislation in this area requires that an Operating Licence be subject to a review year after it has been granted and every five years thereafter. During the year, a "year-one" review was carried out on two companies in possession of an Air Carrier Operating Licence. In addition, five companies holding an Air Carrier Operating Licence were required to participate in the five-year review of their licence. All reviews carried out resulted in the retention of the relevant Air Carrier Operating Licence.

As required by legislation, the Commission continued to monitor the financial position of all licensed air carriers throughout the year. Insurance cover and ownership and control details were also monitored to ensure compliance with the relevant legislation in this area.

4 Category A licence holders are permitted to carry passengers, cargo and/or mail on aircraft with 20 seats or more.

5 Permitted to carry passengers, cargo and/or mail on aircraft with fewer than 20 seats and/or less than 10 tonnes MTOW (maximum take-off weight).

Summary of Licensing Activity

Air Carrier Operating Licences	End 2003	End 2004
Category A	11	9
Category B	7	8
Total	18	17

Work Programme for 2005

The Commission will continue

- to ensure that proper financial information and insurance details are submitted by all licensed air carriers on an annual basis, as required by legislation,
- to undertake such responsibilities as may be transferred to it by the Department of Transport, following the publication of Regulation (EC) No 785/2004 on insurance requirements for air carriers and aircraft operators,
- to monitor developments regarding the review by the European Commission of the Third Package measures for aviation, and

In addition

- Operating Licences held by six companies are due for review.

Travel Trade Licensing

On 31 December 2004 the total number of firms licensed to sell travel out of the Republic of Ireland was 406. This number is comprised of 333 travel agents and 73 tour operators.

During the course of 2004, 17 travel agents and 11 tour operators ceased to trade. However, in the same period 20 travel agent and eight tour operator licences were granted to firms new to the Irish market.

Bonds were drawn down in the case of two travel agents and one tour operator who were unable to meet their financial commitments to their customers, as required under the Transport and Tour Operators Act, 1982.

The travel agents concerned were

- Castaway Travel Limited, Midleton, Co. Cork and
- Blackrock Tours and Travel Limited, Blackrock, Co. Dublin

The tour operator was

- JetGreen Airways Limited, Dublin Airport, Co. Dublin.

In excess of 1,600 claims against the bonds of these firms were processed.

The Commission has investigated all complaints of illegal trading and has sought to bring about full compliance.

Three companies were convicted on charges of illegal trading following investigations by the Commission.

It is under consideration that licence fees may need to be increased in the near future. Fees have not been increased since 1995.

Year	Number of Licences	Tour Operators	Travel Agents
2003	421	77	344
2004	409	76	333

Work Programme for 2005

The Commission will

- continue work on the processing of new applications and the renewal of existing licences and finalising claims arising from the bonds drawn down in 2004, and
- continue to devote resources to the investigation of illegal trading.

Slot Allocation

Legislative background

Under the provisions of the Aviation Regulation Act, 2001, the Commission is the competent authority in Ireland for the purposes of Council Regulation (EEC) 95/93 of 18 January 1993 concerning Common Rules for the Allocation of Slots at Community airports.

Under this legislation the Commission sets the coordination status of Irish airports and appoints of a coordinator to designated airports. The Commission is specifically precluded from performing the coordinating function itself.

Legislative developments in 2004

On 30 July 2004, Regulation 95/93 was amended by the entry into force of Regulation 793/04. The reasons for amending the Regulation were to:

- achieve greater clarity of definitions contained in 95/93,
- reinforce the independence of coordinators, and
- provide for action in the event of use of slots in an abusive manner.

For clarity, the terminology used in this report reflects that introduced under Regulation 793/04.

Designated airports in Ireland

Dublin Airport was designated a schedules facilitated airport in 2000, and is currently the only schedules facilitated airport in Ireland. It is also the largest non-coordinated airport in Europe. A coordinator, Airport Coordination Limited (ACL), was appointed by the then Minister at that time and the Commission reappointed ACL for a further three-year period ending in March 2005.

Request for change of current designation

In response to a request from the DAA that Dublin Airport be designated as coordinated, the Commission, in April 2004, engaged Alan Stratford and Associates to make an assessment of the capacity of Dublin Airport, as required under Regulation 95/93. Following extensive consultations with all interested parties, the Commission concluded in October 2004 that the capacity analysis had not identified any serious problems in capacity at Dublin Airport and that

there was no basis on which to designate the airport as coordinated. The Commission, however, decided to keep the position under review and to monitor the continuing effectiveness of the current arrangements having regard to

- (a) developments in transatlantic traffic and
- (b) the extent of cooperation with the current voluntary arrangements.

Liaison with the coordinator

The Commission maintains contact with the coordinator on a broad range of related matters and receives monthly written briefings on the levels of cooperation given by airlines. The Commission notes the successful performance of an increasingly difficult assignment.

Future coordination arrangements

As stated earlier above, the term of appointment of the current coordinator expires in March 2005. The Commission decided in October 2004 to investigate the feasibility of extending the current contract for a period of approximately twelve months. Following consultation and agreement with the Dublin Airport Authority and other interested parties, the Commission invited proposals from ACL for a one-year extension to the contract. In December 2004, ACL responded positively and proposed terms which were acceptable in principle. The offered terms reflected the increasing level of activity at Dublin Airport and the growing complexity of effectively coordinating the airport. They also provide for a greater frequency of visits to Dublin Airport by ACL personnel⁶.

Work Programme for 2005

In 2005 the Commission will

- conclude arrangements which will ensure the coordination of Dublin Airport until March 2006,
- continue to monitor the effectiveness of current coordination arrangements, with particular regard to the level of cooperation with the coordinator by airlines operating to and from Dublin Airport, and
- continue to monitor, to the extent necessitated by its statutory remit, regulatory developments at EU level.

⁶ ACL, in order to contain costs and with the agreement of the Commission and other stakeholders, does not maintain offices or staff in Ireland. Advances in technology have allowed the coordination activity to be conducted remotely from the UK, underpinned by regular visits.

Review of General Legal and Administrative Obligations

Directions under Section 10 of the Aviation Regulation Act, 2001.

Section 10 of this Act provides that the Minister may give such general policy directions to the Commission as are considered appropriate and that the Commission shall comply with such directions.

No such directions were issued to the Commission in 2004.

Personnel

The Commission is staffed by a combination of directly recruited staff and staff on secondment from the Department of Transport in an approximate 50:50 ratio.

In 2004, the Commission renewed its request to the Department of Transport for sanction to recruit additional staff to enable it to discharge its statutory functions. The Department remained unable to sanction the requested posts but indicated that the Commission's position would be reviewed in the light of a review of the staffing complement of non-commercial bodies under the aegis of the Department. It was hoped that on completion of that review, there would be some scope to address the Commission's staffing problems.

As at 31 December 2004 the Commission's staff comprised 8 on secondment from the Department of Transport, 9 permanent staff employed by the Commission and three short-term temporary staff.

Superannuation

The Commission continues to await Ministerial approval to draft statutory superannuation schemes submitted in July 2002.

Pending approval of the substantive schemes, the Commission operates interim schemes which have received approval from the Revenue Commissioners and which provide for benefits directly comparable to the substantive schemes as submitted.

As at 31 December 2004, all schemes were fully funded.

Retention of Consultants

The Commission is empowered under the Aviation Regulation Act, 2001, to employ such consultants and advisors as are considered necessary for the effective discharge of its functions.

During 2004, the Commission retained economic consultants/advisors to assist in the regulation of airport charges, the new determination of airport charges as required under the State Airports Act, 2004 and the completion of a capacity analysis of Dublin Airport.

The Commission also retained external support to assist in media relations and maintenance/support of IT systems. As in previous years, the Commission continued its policy of seeking to discharge its responsibilities in an open transparent and easily accessible manner. All publicly available documents were initially placed on the Commission's website, with hard copies available on application.

In 2004 the Commission made additional enhancements and modifications to its website in order to facilitate access by the public and other interested parties to frequently requested data, particularly in the licensing areas.

Administrative Obligations

Implementation of Code of Practice for the Governance of State bodies.

In 2001, the Department of Finance issued revised Guidelines for the Governance of State Bodies. It was accepted, however, in that document that some aspects of those guidelines may not be appropriate or fully relevant to regulatory State bodies such as the Commission. The Commission is conscious of the need to operate to the highest standards of corporate governance and implements all aspects of these Guidelines which have application to the scale and nature of the Commission's operations.

In conformity with the requirements of those Guidelines, the Commission makes the following report:

Codes of conduct for Directors and Employees

The Commission has no Directors. A code of conduct has been implemented in respect of all Commission staff and has been included as a contract condition of employment. The terms of the code of conduct include those specified in the Guidelines and have Departmental approval as part of the terms and conditions of employment.

Seconded staff are governed by the requirements of the Civil Service Code of Standards and Behaviour. The current code of conduct for employed staff will be examined in 2005 with a view to ensuring its continuing conformity both with best practice and those norms required for civil servants.

Procurement

Procurement procedures within the Commission comply with those specified both in the current national guidelines and, where applicable, the EU Procurement Directives. By the nature and scale of such consultancy and advisory requirements, contracts are generally for amounts which fall to be awarded under national guidelines.

Disposal of assets to third parties

No significant assets were disposed of during 2004.

Establishment of subsidiaries and acquisitions

No subsidiaries or acquisitions were established or made during 2004.

Diversification

The Commission made no diversification proposals to the Minister during 2004.

Investment appraisal

The Commission had no commercial capital expenditure proposals in 2004, other than routine IT and office equipment acquisition or replacement. Standard procurement policies applied to such expenditure.

Remuneration and Directors' Fees

The remuneration of the Commissioner is determined by the Review Body on Higher Remuneration in the Public Sector and the Commission has no role in setting that level. No additional fees are payable in addition to that remuneration.

The salary levels of Commission staff are set centrally and changes, other than annual increments where applicable, are only made with the consent of the Ministers for Transport and Finance. No fees other than salary are payable to staff of the Commission.

As the Commission does not have a Board, there are no Directors. Consequently, the payment of Directors' fees does not arise.

Financial reporting arrangements

The Commission makes such reports to the Minister and the Department as are necessary. The Commission has a fully developed internal accounting system, which provides detailed monthly management and financial reports to Heads of Function. In addition, the Commission is subject to audit by the Comptroller and Auditor General.

Strategic and Corporate Planning

The Commission's functions and responsibilities are set out in statute. The Commission reports annually on the manner in which those functions have been discharged in the previous year. Additionally, the Commission outlines its strategic medium term proposals on the discharge of those functions.

Financial

Reports and accounts

The Commission's finance function produces detailed monthly management accounts and monthly budget variance reports which are submitted to each Head of Function. The Commission is subject to audit by the Comptroller and Auditor General.

Financial results for the year ended 31 December 2003

During 2004, the financial statements for 2003 were audited by the Comptroller and Auditor General and submitted to the Minister for laying before the Houses of the Oireachtas, as required under Section 26(b) of the Aviation Regulation Act, 2001. These accounts were laid on 6 October, 2004.

Internal audit

"...the Commissioner has established an organisational structure with clear operating and reporting procedures..."

As stated in our Statement of Internal Financial Control, in order to discharge the Commission's responsibility in a manner which ensures compliance, the Commissioner has established an organisational structure with clear operating and reporting procedures, lines of responsibility, authorisation limits, segregation of duties and delegated authority.

The Commission has in place a strong control framework, which covers all areas of control.

During 2004 the Commission engaged Deloitte as its internal auditors for a period of three years. As part of their risk based internal audit plan, a formal internal controls review was carried out in 2004. They have concluded that management, subject to certain issues stated in their report, have implemented an effective framework for internal control. Management are taking steps where possible to address the items raised in their report.

Tax Compliance

The Commission is liable to PAYE, VAT and PSWT. The Commission submitted all relevant tax returns for 2004 and is fully tax compliant.

Levy

Section 23 of the Aviation Regulation Act, 2001, provides that, for the purpose of meeting expenses properly incurred by the Commission in the discharge of its functions under the Act, the Commission may make regulations imposing a levy to meet but not to exceed its estimated operating costs and expenses. The levy is payable by such classes of undertakings as may be specified by the Commission.

Regulations entitled "Aviation Regulation Act 2001 (Levy No. 5) Regulations 2004" (S.I No. 722 of 2004) were issued on 22 November 2004 to give effect to the Commission's Levy for 2005

Draft Financial statements for the year ended 31 December 2004

Draft financial statements for the year ended 31 December 2004, which are subject to audit by the Comptroller and Auditor General, are set out in the following pages.

Commission for Aviation Regulation

Income & Expenditure Account for the year ended 31 December 2004

	Notes	Airport Charges	ATSC	Schedules Facilitation	Air Carrier	Ground handling	Travel Trade	2004 € Total	2003 €
Income									
Levy Receipts	2	2,638,500	66,000	288,000	57,000	48,000	-	3,097,500	5,170,564
License Fees	2	-	-	-	-	-	420,365	420,365	445,196
Other		33,892	(21)	(82)	(54)	(129)	(1,080)	32,526	21,191
Gross Income		2,672,392	65,979	287,918	56,946	47,871	419,284	3,550,391	5,636,951
Transfer (to)/from Capital Account	9	(9,151)	(111)	(444)	(694)	(291)	(5,827)	(16,519)	(13,126)
Net Income		2,663,240	65,869	287,473	56,252	47,580	413,457	3,533,872	5,623,825
Expenditure									
Salaries	3	809,683	12,665	46,117	48,026	22,628	369,771	1,308,891	1,215,224
Consultancy		399,200	7,692	57,021	33	14	273	464,233	428,782
Legal Fees		149,592	223	893	1,396	585	11,782	164,472	1,413,076
Advertising & Public Relations		45,848	1,478	10,155	269	3,605	15,998	77,352	24,566
Travel & Subsistence		5,032	1,067	1,923	695	12	1,134	9,863	17,993
Training		15,797	120	481	3,690	835	7,687	28,611	50,806
Audit Fee		4,875	59	237	370	155	3,104	8,800	8,000
Web Maintenance		26,300	317	1,269	2,196	1,225	18,314	49,622	29,508
Rent		187,135	1,864	7,466	6,117	4,894	70,178	277,655	272,910
Electricity		3,538	43	172	268	113	2,253	6,387	6,128
Office Maintenance		3,700	45	180	281	118	2,356	6,679	10,035
Insurance		77,439	771	3,090	2,531	2,025	29,040	114,897	117,772
Office Stationery		8,584	104	417	651	273	6,394	16,422	24,232
Postage & Carriage		2,559	28	112	175	73	1,514	4,462	3,964
Telephone		11,414	121	485	758	318	6,465	19,561	20,728
Dublin Airport Slot Co-ordination		-	-	190,336	-	-	-	190,336	202,924
Depreciation		10,263	124	498	779	327	6,535	18,526	16,026
Service Charge		23,255	232	928	760	608	8,721	34,504	34,782
Rates		18,677	186	745	611	488	7,004	27,712	26,294
Other		42,537	225	1,778	1,334	626	12,290	58,791	34,087
		1,845,431	27,365	324,302	70,941	38,923	580,814	2,887,776	3,957,837
Operating Surplus/(Deficit)		817,810	38,504	(36,829)	(14,689)	8,657	(167,357)	646,096	1,665,988
Balance as at 1 Jan 2004		1,763,482	(328)	(24,772)	(103,517)	(126,185)	166,388	1,675,069	9,081
Operating Surplus for year		817,810	38,504	(36,829)	(14,689)	8,657	(167,357)	646,096	1,665,988
Balance as at 31 Dec 2004		2,581,292	38,176	(61,601)	(118,206)	(117,528)	(969)	2,321,165	1,675,069

There are no recognised gains or losses other than those dealt with in the Income & Expenditure Account.

The Statement of Accounting Policies and the Notes 1 to 16 form part of these Financial Statements.

William Prasifka

Commissioner

Date

Draft Balance Sheet as at 31 December 2004

	Notes	€	2004 €	€	2003 €
Fixed Assets					
Tangible Assets	4		77,145		60,626
Current Assets					
Bank Accounts	5	17,017,786		16,243,139	
Debtors and Prepayments	6	2,119,775		531,491	
		19,137,561		16,774,630	
Creditors: Amounts falling due within one year					
Cash Bond Accounts	5	(14,110,010)		(13,659,836)	
Creditors and Accruals	7	(2,706,385)		(1,439,726)	
Net Current Assets			2,321,165		1,675,069
Net Assets			2,398,310		1,735,695
Financed By					
Income & Expenditure Account Surplus/(Deficit)			2,321,165		1,675,069
Capital Account	9		77,145		60,626
Capital Employed			2,398,310		1,735,695

The Statement of Accounting Policies and the Notes 1 to 16 form part of these Financial Statements.

William Prasifka

Commissioner

Date

Draft Cashflow Statement for the year ended 31 December 2004

	Notes	2004 €	2003 €
Reconciliation of operating surplus to net			
Cash inflow/(outflow) from operating activities			
Surplus/(Deficit) on Income and Expenditure		646,096	1,665,988
Depreciation		10,500	15,667
Bank Interest		(33,538)	(23,445)
Transfer (from)/to Capital Account		16,519	13,126
Decrease/(Increase) in Debtors		(1,611,707)	(284,931)
Decrease/(Increase) in Prepayments		23,423	(58,650)
(Decrease)/Increase in Creditors		(49,526)	565,264
(Decrease)/Increase in Accruals		1,316,186	(163,329)
Net Cash Inflow/(Outflow) From Operating Activities		317,953	1,729,690
Cash Flow Statement			
Net Cash Inflow/(Outflow) From Operating Activities		317,953	1,729,690
Returns on Investments			
Bank Interest		33,538	23,445
Capital Expenditure			
Purchase of fixed assets		(27,018)	(28,794)
Financing			
Increase in Cash Bond Accounts & TPF		450,174	4,470,054
Management of Liquid Resources			
Increase in Funds on Deposit		(435,585)	(2,421,147)
Increase/(Decrease) in Cash Balances		339,062	3,773,248
Reconciliation of net cash flow to movements			
in net funds Increase/(Decrease) in cash in hand			
in the period		339,062	3,773,248
Cash used to increase liquid resources		435,585	2,421,147
Change in Net Funds	11	774,647	6,194,395
Opening Net Funds		16,243,139	10,048,744
Closing Net Funds		17,017,786	16,243,139

The Statement of Accounting Policies and the Notes 1 to 16 form part of these Financial Statements.

William Prasifka

Commissioner

Date

Appendix I Commission Papers Issued In 2004

Number	Date of issue	Title
CP 01/2004	23rd March 2004	Provisional Compliance Statement 2002/03 and Price Caps 2003/04 Maximum Levels of Aviation Terminal Services Charges
CP 02/2004	26th March 2004	Maximum Levels of Airport Charges Review of Determination On The Maximum Levels Of Airport Charges and Report Errata Notice concerning CP2/2004 Review of Determination On The Maximum Levels Of Airport Charges and Report
CP 03/2004	8th April 2004	Maximum Levels Of Aviation Terminal Services Charges The Commission announces intention to review the 2002 Determination on the Maximum Levels of Aviation Terminal Services Charges
CP 04/2004	29th April 2004	Review of Determination on Maximum Levels of Aviation Terminal Services Charges and Report
CP5/2004	17th August 2004	Consultation on the Implementation of the Requirements of Statutory Instrument No. 505 of 1998 – European Communities (Access to the Groundhandling Market at Community Airports) Regulations 1998.
CP6/2004	1st October 2004	Process leading to a New Determination of Airport Charges at Dublin Airport
CP7/2004	1st October 2004	Consultation on the making of a New Determination of Airport Charges at Dublin Airport
CP8/2004	6th October 2004	Access Fees to Airport Installations
CP9/2004	22nd December 2004	Commission's conclusions on the impact of amendments made to Aviation Regulation Act 2001 by the State Airports Act 2004
CP10/2004	23rd December 2004	Annual Compliance Statement

An Coimisiún um
Rialáil
Eitlíochta
Tuarascáil Bhliantúil 2004

Tuarascáil chuig an Aire Iompair

Don bhliain dar críoch
31ú Nollaig 2004

30ú Márta, 2005

An Coimisiún um Rialáil Eitlíochta,
3ú Urlár, Teach Alexandra, Ardán Phort an Iarla, Baile Átha Claith 2

Teil +353 (0) 1-6611700, faics +353 (0) 1-6611269

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Réamhrá

“...Ba mhaith liom, freisin, buíochas a ghabháil leis an mórchuid daoine agus eagraíochtaí a chuir le hobair an Choimisiúin i rith na bliana.”

Is cúis áthais dom an ceathrú Tuarascáil Bhliantúil den Choimisiún um Rialáil Eitlíochta a chur i láthair. Athchuirim an Tuairisc gníomhaíocht an Choimisiúin i rith 2004 agus leagann amach Clár Oibre an Choimisiúin don bhliain reatha.

Ba é an dúshlán ba mhó a thug an Coimisiún aghaidh air i rith na bliana ná tús a chur le scrúdú cuimsitheach ar a chur chuige i leith rialú táillí aerfort i gcomhthéacs achtú an Achta um Aerfort Stáit, 2004. Leanfaidh an scrúdú seo i 2005 agus caithfidh críoch a bheith curtha leis faoi 1 Deireadh Fómhair ar a dheireannaí trí chinneadh nua a dhéanamh maidir le táillí ag aerfort Bhaile Átha Cliath.

Gan saineolas, gairmiúlacht agus dícheallacht fhoireann an Choimisiúin, ní fhéadfadh an Coimisiún na héachtanna i 2004 a bhaint amach, agus ba mhaith liom cuntas a thabhairt in athuair ar mo bhuíochas díobh uile as ucht Clár Oibre an Choimisiúin a chur i gcrích i 2004. Ba mhaith liom, freisin, buíochas a ghabháil leis an mórchuid daoine agus eagraíochtaí a chuir le hobair an Choimisiúin i rith na bliana.

Ar deireadh, ba mhaith liom mo bhuíochas a chur in iúl do na hAirí Seamus Brennan, TD, agus Martin Cullen, TD, agus oifigigh na Roinne Iompair as ucht a gcuid tacaíochta i rith 2004.

William Prasifka

Coimisinéir

30 Márta 2005.

Athbhreithniú de réir réimse reachtúil/feidhmiúil

Táillí Aerfort

Athbhreithniú Dlithiúil ar Chinneadh an Choimisiúin i leith Táillí Aerfort

Cúlra

Sheachaid an Chúirt Uachtarach Breithiúntas ar 3 Aibreán 2003 maidir leis an dúshlán a thug Aer Rianta (ar a dtugtar Údarás Aerfort Bhaile Átha Cliath ó 1/10/04 - ÚABÁC thíos) mar Athbhreithniú Dlithiúil. Dhiúltaigh an Chúirt do na hargointí a chuir ÚABÁC ar aghaidh i leith gach ceist a tarraingíodh anuas i rith an phlé dlí, agus rinneadh ordú freisin le cúiteamh a dhámhachtain ar an gCoimisiún. D'iarr ÚABÁC cead cur isteach ar achomharc don Ardchúirt agus tugadh éisteacht don achomharc ar 4 Meitheamh 2003. Dhiúltaigh an Chúirt do thrí chinn den cheithre chúinse achomhairc a mhol ÚABÁC agus níor tfolacadh cead dul ar aghaidh ach ar chúinse amháin, gur tharraing sí anuas ceist de thábhacht eisceachtúil phoiblí. Toisc nár bhain ÚABÁC amach an tOrdú a chuir breithiúntas na Cúirte Uachtaraí i gcrích go ceann tamaill fada, ní raibh aon chor eile sa sceal i rith 2003.

Gníomhaíocht i 2004

Cuireadh Ordú Cúirte na Cúirte Uachtaraí i gcrích i dtús mí Eanáir 2004 agus chuir ÚABÁC isteach Fógra Achomhairc ar 30 Eanáir 2004. Ní raibh an Fógra Achomhairc a cuireadh isteach, áfach, teoranta go dtí aon chúinse amháin ar a ceadáíodh achomharc, ach rinneadh iarracht na bunchúinsí ar fad a cheadú chomh maith le hiarratas a dhéanamh chun na Cúirte costais an Choimisiúin a chur ar ceal. Toisc an cor seo sa cheist, agus mar fhreagra air, chuir an Coimisiún Fógra Rúin isteach chuig an Ard-Chúirt, ag iarraidh ar an gCúirt an t-achomharc a theorannú go dtí aon chúinse ceadaithe amháin. Ar 30 Aibreán 2004, iarradh ar an Ard-Chúirt dáta a chinneadh d'éisteacht Rún an Choimisiúin agus socraíodh 11 Deireadh Fomhair 2004 mar an dáta infhaighte ba luaithe. Díreach roimh an dáta sin, chuir ÚABÁC in iúl gur theastaigh uatha teacht ar réiteach an cháis lasmuigh den chúirt. Ar 7 Deireadh Fomhair 2004 baineadh amach comhaontú idir na páirtithe, mar atá, foráil go n-éireófaí as an gcúis Cúirte Uachtaraí agus go mbainfeadh an Coimisiún amach a chuid costas i leith na hArdchúirte, a chinnteofar tríd an ghnáthamh Fómhaise, ceal comhaontaithe. Táthar ag fanacht ar shoiléiriú ar dhearcadh ÚABÁC maidir le comhaontú nó a mhalairt ar chostas an Choimisiúin.

Athbhreithniú

Cuireadh tús le hAthbhreithniú ar shocrú an Choimisiúin ar uasteorannú phraghasanna na n-aerfort in Aibreán 2003. I Samhain 2003 foilsíodh fógra ar na ceistanna a bhí le bheith faoi chaibidil, agus lorgaíodh aighneachtaí ó phairtithe leasmhara agus ón bpobal. D'fhoilsíodh na haighneachtaí ar láithreán gréasáin an Choimisiúin i Nollaig 2003.

Gníomhaireach i rith 2004

I rith thús mhíonna 2004, rinne an Coimisiún meastúchán curamach ar na léirithe a fuarthas agus rinneadh mórchuid ainilise breise. Ar 26 Márta 2004, d'fhoilsigh an Coimisiún páipéar dar teideal "Review of Determination of Maximum Levels of Airport Charges and Report" (CP2/2004)¹. Sa pháipéar seo, bhí socrú leasaithe ar uasteorannú na bpraghasanna (luaite ar bhonn bliana feilire) don tréimhse Eanáir 2004 go Meán Fómhair 2006). I measc na bhfactóirí seactracha a bhí ag oibriú ar athrú na socraithe uasteorannú praghasanna bhí leibhéil tráchta maolaithe agus costais slándála agus árachais méadaithe (tar éis foghanna 11 Mhéain Fhómhair, 2001), an t-eolas a fuarthas tar éis don Chinneadh a bheith déanta (agus sonraí i leith tréimhsí úsáideacha sochmhainní agus cánachas san áireamh); agus athrú ar shlonn matamaiticiúil na foirmle rialúchána praghasanna ionnas nach n-aisfhillfí aon ró-bhailiúcháin táillí aerfort i mbliain amháin ach uair amháin.

Cinneadh Nua le haghaidh Aerfort Bhaile Átha Cliath de réir Achta um Aerfoirt an Stáit, 2004.

Reachtaigh an tOireachtas an tAcht um Aerfoirt an Stáit, 2004 ar 24 Iúil, 2004. Éilíonn sé seo ar an gCoimisiún Cinneadh nua a dhéanamh i dtoabh uasmhéid na dtáillí Aerfort ag Aerfort Bhaile Átha Cliath amháin, a luaite agus is féidir agus roimh 1 Deireadh Fómhair 2005 ar a dhéanaí. Mhaolaigh an tAcht an tAcht um Rialáil Eitlíochta, 2001 i méid áirithe slí, go háirithe maidir leis na cuspóirí rialúcháin a bhí socraithe don choimisiún agus na factóirí "togaint san áireamh cuí" gaolmhara.

Ar 1 Deireadh Fómhair 2004, d'fhoilsigh an Coimisiún páipéar (CP6/2004) ag leagan amach an phróiseis faoin a raibh rún aige Cinneadh nua a dhéanamh. Ag an am céanna, sheol sé próiseas nua comhairleathach (leagtha amach i CP7/2004) trí iarradh ar pháirtithe leasmhara tuairimí a chur faoina bhráid maidir leis an gciall ar cheart don choimisiún a bhaint as a mhandáid leasaithe.

Chun an plé sin a fhaisnéisiú agus a spreagadh, d'fhoilsigh an Coimisiún páipéar a a bhí údaraithe aige ó na comhairleoirí neamhspleácha DotEcon, ar impleachtaí díchumaisc Aer Rianta mar a bhí, agus an athstruchtúru airgeadais a lean é, i leith rialúcháin táillí aerfort. Thug an coimisiún faoi dhá staidéar i leith Aerfort Bhaile Átha cliath friesin. Bhain siad seo le:

- (i) toilleadh
- (ii) éifeacht oibriúchána Aerfort Bhaile Átha Cliath.

Tá an dá thionscnamh ar siúl, agus táthar ag súil go leanfaidh foilsíúcháin na dtuarascáil a thiofadh astu i rith 2005.

Fuair an Coimisiún moltaí ó pháirtithe leasmhara agus cuireadh ar an láithreán gréasáin iad ar 18 deireadh Fómhair 2004

Ar 12 Nollaig 2004, d'fhoilsigh an Coimisiún a chonclúidí féin maidir le tionchar na n-athruithe sa reachtaíocht ar chinneadh nua a dhéanamh (CP9/2004).

¹ Ar fáil, maraon le páipéirí eile uile an Choimisiúin, ar a láithreán gréasáin, www.aviationreg.ie

Tionscnaimh eile a cuireadh i gcrích i rith na bliana

Cláir leis na Socraithe Uasteorannú Praghasanna

Lorg agus fuair an Coimisiún mionfháisnéis ón ÚABÁC a dheimhnigh gur cláíodh le Sochair Uasteorannaithe Praghasanna Aerfoirt a dhein an Coimisiún. Cuireadh an fhaisnéis airgeadais agus paisinéara a fuarthas, maraon le conclúidí an Choimisiúin, i láthair i bpáipéirí CP1/2004 agus CP10/2004 den Choimisiún. Comhaontaíodh formáid tuarascála leasaithe agus níos iomláine le ÓABÁC freisin.

Léirithe Seactracha

I rith 2004, ghlac foireann an Chomisiúin le roinnt cuirí chun léirithe a dhéanamh ar rialúcháin aerfort don Údarás Iomaíochta, Ranna na hEacnamaíochta i gColáiste na hOllscoile Corcaigh agus OÉ Maigh Nuad, don Ghrúpa Iomaíochta agus Rialaithe, do Chumann Taighde Eitlíochta na Gearmáine agus do Chomhairle Idirnáisiúnta na nAerfort.

Clár Oibre do 2005

Déanfaidh an Coimisiún

- cinneadh nua ar Uasmhéid Táillí Aerfort faoi mhandáid leasaithe an Achta um Aerfort Stáit, 2004 roimh 1 Deireadh Fómhair 2005, agus
- meastúcháin ar ghéilliúlacht Údarás Aerfoirt Bhaile Átha Cliath le Cinneadh 2004.

Táillí Seirbhísí Terminéil Eitlíochta

Athbhreithniú

Faoin Acht um Rialáil Eitlíochta, 2001, tá comhlacht roghnach ag an gCoimisiún athbhreithniú ar uasteorannú praghasanna an ÚEE a stiúradh má shíleann sé go bhfuil cúinsí troma le déanamh, ar nó tar éis tréimhse dhá bhliain a bheith caite tar éis déanta an bhunchinnidh, dar dáta 26 Feabhra 2002.

D'fhógair an Coimisiún ar 8 Aibreán go raibh socraithe aige athbhreithniú a stiúradh ar bhonn na cúinse troime earráid a bheith san fhoirmle rialála. Mar atá sainnithe i gCinneadh Feabhra 2002, bhí mar ghné ná rabhtas ag súil leis den fhoirmle uasteorannú praghasanna go raibh mar éifeacht leis go bhféadfadh go gcuirfí san áireamh aon fhobhailiú nó róbhailiú ioncaim maidir leis an Uasteorannú Praghasanna a fáil ar ais nó a aisíoc in athuir. Mhol an Coimisiún go ndéanfaí athbhreithniú ar an bhfoirmle chun a chinntiú nach ndéanfaí an ceartú riachtanach ach aon uair amháin. Lorgaíodh aighneachtaí ó pháirtithe leasmhara agus ón bpobal agus léiríodh an t-aon aighneacht amháin a fuarthas ar láithreán gréasáin an Choimisiúin. Tar eis na haighneachta sin a mheas, d'eisigh an Coimisiún Cinneadh leasaithe agus Tuarascáil (CP4/2004) ar 29 Iúil 2004, a leag amach an leasú ar an gCinneadh (chun an erráid a cheartú) agus na fáthanna leis.

Cláí leis an Uasteorannú Praghasanna

Chun a dheimhniú gur cláíodh leis an Uasteorannú Praghasanna um Seirbhísí Teirminéal Eitlíochta a shocraigh an Coimisiún, d'iarr an Coimisiún faisnéis maidir le hUasmhéachan Eirí de Thalamh agus táillí na Seirbhísí Teirminéal Eitlíochta a ghearrtar ag aerfoirt Bhaile Átha Cliath, Chorcaí agus na Sionnaine. Sholáthraigh Udarás Eitlíochta na hÉireann an fhaisnéis a lorgaíodh agus bhí an Coimisiún ábalta a dheimhniú go rabhtas ag tabhairt airde ar an uasteorannú praghasanna.

Clár Oibre do 2005

Déanfaidh an Coimisiún

- leanúint le géilleadh Údaráis Eitlíochta Éireann do na Cinntí Uasteorannú Praghasanna a mheas, agus
- iniúchadh ar fhéidearacht athliniú a dhéanamh ar an mbliain rialúcháin agus an bhliain féilire ar mhaithe le héascaíocht tuarascála.

Ceadunú agus Ceadaithe

Ceadaithe Láimhsithe-ar-Talamh

Ag tús 2004, bhí 23 láimhseoirí as féin ceadaithe² agus 37 soláthraithe seirbhíse láimhsithe-ar-talamh ceadaithe (nó láimhseoirí treas-pháirtí³) ag oibriú idir aerfoirt Bhaile Átha Cliath, Chorcaí agus na Sionna. Den 23 láimhseoirí as féin ceadaithe, bhí 6 ceadaithe freisin le seirbhíse a sholáthar le treas-pháirtithe. Dheonaigh an Coimisiún ceadú láimhsithe amháin as féin agus 4 cheadú láimhsithe treas-pháirtí i rith 2004.

I rith 2004, scar aer-iompróir amháin go deonach lena cheadú láimhsithe as féin tar éis a oibriúcháin a chosc. Maidir le ceadaithe a bhí á leanúint ag soláthraithe seirbhíse láimhsithe-ar-talamh, ghéill comhlacht láimhsithe-ar-talamh amháin a cheadú go deonach tar éis cinneadh gan feidhmiú a thuilleadh sa mhargadh agus eisíodh ceadú nua do comhlacht eile chun go mbeadh an t-ainm ar an doiciméad ceadaithe aithlínithe le hainm dleathach an chomhlachta a sholáthraíonn an tseirbhís. Rinne an Coimisiún athbhreithniú ar ghíomhaíochtaí an chomhlachta seo freisin, ar iarratas sealbhóir ceadaithe treas-pháirtí agus rinneadh cinneadh a chiallaigh go silfí leis an gcomhlacht nach riachtanais dó ceadú a lorg a thuilleadh. Ag deireadh 2004, bhí 23 láimhsíú as féin ceadaithe agus 38 láimhsíú-ar-talamh treas-pháirtí ceadaithe ag oibriú idir aerfoirt Bhaile Átha Cliath, Chorcaí agus na Sionnainne.

Ar mhaithe le deachleachtais riálála, agus ag géilleadh do na Rialacháin ábhartha, cintíonn an Coimisiún go gcuirfear isteach faisnéis airgeadais ceart ar láimhseoirí-ar-talamh ceadaithe ar bhonn bliantúil. Maidir le comhlachtaí láimhsithe-ar-talamh ag soláthar seirbhíse le treas-pháirtithe, éilíonn reachtaíocht go gcuirfear isteach cuntais scartha chuig an gcoimisiún. Eilíonn an coimisiún freisin go gcuirfear isteach sonraí árachais leasaithe ag láimhseoirí-ar-talamh ar bhonn bliantúil. I rith 2004, stiúir an Coimisiún (ag comhoibriú le ÚABÁC) athbhreithniú ar an bpróiseas iarratais atá ceaptha le haghaidh Láimhsithe-ar-Talamh san dá eagrais. Tá an plé seo ar siúl fós d'fhonn cur chuige níos sruthlíní a bheith ann i leith an phróiseis ceadaithe, a bheidh mar mhacasamhail ar rólanna an údarais aerfoirt agus an Choimisiúin araon.

Táillí Rochtana ar Bhunáiteanna Aerfoirt

De réir Treoraigh 97/67EC de chomhairle AÉ, mar atá aistriú mar Ionstraim reachtúil 505 de 1998, dar teideal "European Communities (Access to the Groundhandling Market at Community Airports) Regulations, 1998", tá de cheart ag údarás aerfoirt táillí a ghearradh ar rochtain ar bhunáiteanna aerfoirt a dheontar le soláthraithe seirbhíse láimhsithe-ar-talamh ag na haerfoirt Stáit. Más é cinneadh an údarais aerfoirt táillí a ghearradh, ní foláir don údarás iarratas an táille molta a fhaomhadh a chur faoi bhráid an Choimisiúin roimh ré, de réir na gcritéar atá luaite san Ionstraim Reachtúil.

² Tá sé de rogha ag aerlíne a sheirbhíse láimhsithe-ar-talamh féin a sholáthar (láimhsíú as féin).

³ Féadfaidh aerlíne conradh a thionscnamh le comhlacht eile le haghaidh soláthar seirbhíse láimhsithe-ar-talamh (láimhsíú treas-pháirtí), pé acu aerlíne eile nó comhlacht láimhsithe-ar-talamh dílis.

Bhí táillí ar chíos deasc cláraithe leagtha go coitianta ag aerfoirt an Stáit in Éirinn sular rinneadh an Cinneadh agus an I.R. Mhéadaigh ÚABÁC na táillí sin agus mórchuid catagóirí eile táille, mar thús in Eanáir 2001.

Tar éis soiléirithe ag cinneadh de chuid Cúirte Cirte na hEorpa i 2003, gur shampla de “bhunáit aerfoirt” é deasc cláraithe, fuair an coimisiún iarratas i mí Iúil 2004 ó ÚABÁC le haghaidh faofa ar struchtúr táille in aghaidh na bliana agus in aghaidh na huair maidir le cíos deasc cláraithe ag na trí aerfort Stáit, chomh maith le hiarratas faofa ar tháille chun úsáide TCCÚ (Trealamh Teirminéil Comh-Úsáideora) ag aerfort na Sionnainne. Rinne an coimisiún anailís ar mholtaí ÚABÁC agus na sonraí airgeadais a chuir taca faoi, agus, ar mhaithe le follasacht agus sárchleachtas, d’iarr an Coimisiún tuairimí an tionscail ina pháipéar comhairliúcháin CP5/2004 a d’eisíodh ar 17 Lúnasa 2004.

Fuarthas ocht molta agus foilsíodh ar latháir idirlín an Choimisiúin de reir gnáthchleachtas. Tar éis machnamh ar na tuairimí a fuarthas agus tar éis anailís a dhéanamh ar an iarratas faofa de réir na gritéar atá sainnithe sa reachtaíocht, d’fhoilsigh an Coimisiún é a chinneadh mar Pháipéar Coimisiúin CP8/2004 ar 6 Deireadh Fómhair 2004. Ba é cinneadh an Choimisiúin, mar atá leagtha amach sa doiciméad sin, ÚABÁC a fhaomhadh ó dháta an Chinnidh ar aghaidh chun táille in aghaidh na bliana agus na huair i leith cíosa deasc cláraithe ag na trí aerfort Stáit ar fad agus chomh maith leis sin, d’fhaomhaigh sé fiacha i leith úsáid na háise TCCÚ ag aerfort na Sionna mar tháille ar gach paisinéar ag dul ar bord. Soláthraíodh, freisin, go mbeadh cead ag ÚABÁC táille an deasc chláráithe a mhéadú de reir an bholgtha mar atá ag tús 1 Iúil gach bliain.

Mar chuid den chinneadh, leag an coimisiún síos go n-éilíodh sé idirbheartaíocht shubstaintiúil ag ÚABÁC le Coiste na nÚsáideoirí Aerfort, nó grúpa eile ábhartha, sula ndéanfaí cinneadh ar aon iarratas amach anseo ar fhaomhadh táillí. Próiseas comhairleathach anásta fadálach a sheachaint atá i gceist leis an bpróiseas seo.

Toisc an chritéir san I.R. gur gá faomhadh ón gCoimisiún roimh ré i leith táillí rochtana, bhí éifeacht ó dháta reatha leis an bhfaomhadh ón gCoimisiún do ÚABÁC i mí Deireadh Fómhair seo chaite, mar atá ráite thuas. Tá ÚABÁC tar éis faomhadh siarghábhálach a iarraidh, ag dul siar go 1 Eanáir 2001 i leith na dtáillí a gearradh ón dtréimhse sin go Deireadh Fómhair 2004. Tá an cheist seo, arb í a croí éifeacht reachtúil agus míniú, faoi mheas gníomhach ag an gcoimisiún agus déanfar cinneadh go luath i 2005.

Achoimre ar Ghníomhaíocht Ceadúnasaithe

Ceadaithe láimhsithe-ar-talamh	Deireadh 2003	Deireadh 2004
Láimhsitheoirí as féin	23	23
Láimhsitheoirí treas-pháirtí	37	38

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Déanfaidh an Coimisiún

- leanúint ar aghaidh lena fheidhmeanna i leith ceadúnasaithe agus monatóireachta ar chomlachtoí Láimsithe-ar-Talamh agus
- leanúint de mhonatóireacht ar fhoráis ag leibhéal na hEorpa maidir leis an athbhreithniú ar Threorach na Comhairle 96/07/AÉ.

Freisin

- Tá 18 gceadú láimhsithe-ar-talamh le dul as feidhm i rith 2005. tá Foirm Athnuachana deartha ag an gcoimisiún a chuirfear ar aghaidh mar is cúí chuig na comhluchtaí ábhartha i rith na bliana.

Ceadúnasú Aer-iompróraí

Ar 1 Eanáir 2004, bhí 18 aer-iompróirí ceadúnaithe cláraithe in Éirinn. I rith 2004, d'éisigh an Coimisiún Ceadúnais Oibrithe Aer-Iompróra dhá oibreoir nua. Thug dhá oibreoir ceadúnaithe suas a gCeadúnais Oibrithe Aer-Iompróra go deonach, áfach, ar chur a gcuid oibriú ar fionraí. D'iarr an Coimisiún ar oibreoir ceadúnaithe eile a Cheadúnas Oibrithe a thabhairt suas tar éis a chuid aerárthach ar fad a bheith bainte dá Theastas Aer-Oibrithe (TAO) agus an comhlacht fágtha gan aerárthach ar bith faoin a réir, agus é, mar sin, ag sárú na reachtaíochta ábhartha sa réimse seo.

Ag deireadh 2004, bhí 17 aerlíne Eireannach ceadúnaithe. Den 17 aeriompróirí Eireannach ceadúnaithe, choinnigh 9 ceadúnas den Chatagóir A⁴. Choinnigh an 8 eile ceadúnais de Chatagóir B⁵.

Éilíonn an reachtaíocht sa réimse seo go mbeadh ceadúnas oibrithe faoi réir athbhreithnithe faoi cheann bliana tar éis a dheonaithe, agus faoi cheann gach cúig bliain ina dhiaidh sin. Cuireadh i gcrích athbhreithniú “bliain a haon” ar dhá chomhlacht a shealbhaigh Ceadúnais Oibrithe Aer-Iompróra. Chomh maith le sin, d'éilíodh ar chúig chomhlacht ag sealbhú Ceadúnais Oibriú Aer-Iompróra a bheith páirteach in athbhreithniú ceadúnais chúig-bliain. Ba é an toradh a bhí leis na hathbhreithnithe ar fad ná coinneáil an Cheadúnais Oibrithe Aer-Iompróra ábhartha.

Mar a éilíonn reachtaíocht, lean an Coimisiún de mhonatóireacht staid airgeadais na n-aer-iompróirí ceadúnaithe i rith na bliana. Rinneadh monatóireacht freisin ar dhíon árachais, ar úinéaireacht agus ar shonraí stiúradh chun géilleadh na gcomhlacht don reachtaíocht abhártha sa réimse seo a dheimhniú.

4 Tá cead ag sealbhóirí ceadúnais catagóir A paisnéirí, lasta nó post a iompar ar aerárthaigh le 20 nó níos mó suíochán.

5 Ceadaithe chun paisnéirí, lasta agus/nó post ar aerárthaigh le níos lú ná 20 suíochán agus/nó de mheáchan faoi 10 tonna UEDT (uasmhéachain éirí-de-thalamh).

Achoimre ar Ghníomhhaíocht Ceadúnasaithe

Ceadúnais Oibrithe Aer-Iompróra	Deireadh 2003	Deireadh 2004
Catagóir A	11	9
Catagóir B	7	8
Iomlán	18	17

Clár Oibre do 2005

Leanfaidh an Coimisiún

- de dheimhniú go gcuirfidh gach aer-iompróir ceadúnasaithe isteach sonraí airgeadais agus árachais cearta ar bhonn bliantúil, de réir reachtaíochta,
- de thógaint de láimh pé freagrachtaí a n-aistrítear chuige ag an Roinn Iompair, ar fhoilsiú rialacháin (AÉ) Uimh. 785/2004 ar éilimh árachais i leith aer-iompróirí agus oibreoírí aerárthaigh.
- de mhonatóireacht ar chúrsaí maidir le hathbhreithniú Choimisiún na hEorpa ar bheartanna an Tríú Phacáiste i leith aerloingseoireachta, agus

Chomh maith

- Tá Ceadúnais Oibrithe i seilbh sé ghnólacht le hathbhreithniú.

Ceadúnasú an Tionscail Taistil

Ar 31 Nollaig 2004 ba é 406 cheann suim iomlán na ngnólacht ceadúnaithe le taisteal a dhíol as Poblacht na hÉireann. Cuimsíonn an uimhir seo 333 gníomhairí taistil agus 73 tionscnóirí turas.

I rith 2004, scoir 17 ngníomhaire taistil and 11 tionscnóir turais de thrádáil a dhéanamh. Sa tréimhse cheanna afách, deonaíodh 20 ceadúnas gníomhaire taistil agus ocht gceadúnas tionscnóir turais chuig gnólachtaí a bhí díreach tagaithe ar an margadh in Éirinn.

Tarraingíodh anuas bannaí i gcás dhá ghníomhaire taistil agus tionscnóir turais amháin, nach raibh in ann a ngeallta airgeadais lena gcustaiméirí a ghlanadh, mar a éilítear faoin Acht Iompair (Tionscnóirí Turas agus Gníomhairí Taistil), 1982

Ba iad na gníomhairí taistil a bhí i gceist ná

Castaway Travel Limited, Mainistir na Corann, Co. Chorcaí agus

Blackrock Tours and Travel Limited, An Charraig Dhubh, Co. Bhaile Átha Cliath

Ba é an tionscnóir turais

JetGreen Airways Limited, Aerfort Bhaile Átha Cliath, Co. Bhaile Átha Cliath.

Próiseáladh os cionn 1,600 éileamh ar bhannaí na ngnólacht seo.

Tá fiosrú déanta ag an gCoimisiún i leith na líomhaintí trádála mí-dhleathacha ar fad agus rinne sé iarracht lán-ghéilleadh a thabhairt i gcrích.

Fuarthas trí ghnólacht ciontach ar chúiseanna trádála mí-dhleathacha tar éis fiosraithe ag an gCoimisiún.

Tá sé á mheas go mbeadh gá le táillí ceadúnais a mhéadú go luath. Níor méadaíodh na táillí ó 1995.

Bliain	An Méid Ceadúnais	Gníomhairí Taistil	Tionscnóirí Turais
2003	421	77	344
2004	409	76	333

Clár Oibre do 2005

Déanfaidh an Coimisiún

- leanúint den obair ar phróiseáil iarratas nua agus athnuachan na gceadanna atá ann, agus críoch a chur le héilimh ar bhannaí a tarraingíodh aníos i rith 2004, agus
- leanúint d'acmhainn a dháileadh ar fhiosrú trádála mí-dhleathacha.

Spásanna a Leithdháileadh

Cúlra reachtúil

De réir an Achta um Rialáil Eitlíochta, 2001, is é an coimisiún an tÚdarás eifeachtach in Éirinn le haghaidh gnó Rialacháin na Comhairle (CEE) i leith Comhrialacha um Spásanna a Leithdháileadh ag aerfoirt an Chomhphobail.

De réir na reachtaíochta seo socraíonn an Coimisiún stádas comhordaithe na n-aerfort Éireannach agus ceapann comhordaitheoir ar aerfoirt ainmnithe. Tá curtha go sainiúil ó chumas an Choimisiúin féin feidhm an chomhordaithe a dhéanamh.

Cursaí reachtaíochta i 2004

Ar 30 Iúil 2004, leasaíodh Riail 95/93 trí theacht in éifeacht Riail 793/04. Ba iad na fáthanna leis an Riail a leasú ná:

- sainmhínte atá cuimsithe i 95/93 a dhéanamh níos soiléire,
- neamhspleáchas na gcomhordaithe a threisiú, agus
- soláthar do ghníomhiú sa chás go mbaintear mí-úsáid as spásanna.

Ar mhaithe le soiléire, macasamhail den téarmaíocht a tugadh isteach faoi Riail 93/04 atá i dtéarmaíocht na Tuarascála seo.

Aerfoirt ainmnithe in Éirinn

Ainmníodh Aerfort Bhaile Átha Cliath ina aerfort sceidil-éascaithe i 200, agus faoi láthair, is é an t-aon aerfort sceidil-éascaithe in Éirinn é. Is é an t-aerfort neamhchomhordaithe is mó san Eoraip freisin é. Cheap an tAire comhordaitheoir, mar atá, Airport Coordination Limited (ACL), ag an am sin, agus d'athcheapadh ACL ar feadh tréimhse trí bliana eile dar críoch Márta 2005.

Iarratas ar athrú ar an ainmniú reatha

Mar fhreagra ar iarratas ón ÚBÁC go n-ainmneofaí Aerfort Bhaile Átha Cliath mar aerfort comhordaithe, chuir an Coimisiún Alan Stratford and Associates i mbun measúnaithe ar thoilleadh Aerfoirt Bhaile Átha Cliath mar a éilítear faoi Riail 95/93. Tar éis dul i gcomhairle fairsing leis na páirtithe leasmhara ar fad, chinn an coimisiún in Deireadh Fómhair 2004 nár aithníodh san anailís toillte

aon mhórfhadhb sa toilleadh ag Aerfort Bhaile Átha Cliath agus nach raibh aon bhunús le hainmniú an aerfoirt mar aerfort comhordaithe. Chinn an Coimisiún, áfach, an cheist a choimeád faoi athbhreithniú agus monatóireacht a dhéanamh ar éifeacht leanúnach na socraithe reatha, ag cur san áireamh

- (a) coranna sa trácht tras-Atlantach agus
- (b) a mhéid is atá comhoibriú ann leis na socraithe deonacha reatha.

Ceangal leis an gcomhordaitheoir

Leanann an Coimisiún de bheith i dteagmháil leis an gcomhordaitheoir i leith réimse leathan ábhar agus faigheann coimrí treorach scríofa in aghaidh na míosa ar an leibhéal comhoibríthe a thugann aerlínte. Tugann an Coimisiún faoi deara comhlíonadh rathúil tasca atá ag éirí níos deacra in aghaidh an lae.

Socraithe comhordaithe don todhchaí

Mar atá ráite lasthuas, tagann tréimhse ceaptha an chomhordaitheora reatha chun deiridh i Márta 2005. Chinn an Coimisiún ar indéantacht an chonartha reatha a shíneadh ar feadh neas-tréimhse de dhá mhí. Tar éis dul i gcomhairle le hÚdarás Aerfort Bhaile Átha Cliath, agus páirtithe leasmhara eile, agus teacht ar chomhaontú, d'iarr an coimisiún moltaí ó ACL le haghaidh síneadh an chonradh ar feadh tréimhse bliana. Thug ACL freagairt dearfa agus mhol coinníollacha a bhí inglactha i bprionsabal. Léirigh na coinníollacha a táirgeadh an leibhéal méadaithe gníomhaíochta ag Aerfort Bhaile Átha Cliath chomh casta is a bhí comhordú éifeachtach an aerfoirt. Chomh maith leis sin, riarann siad do mhinicíocht méadaithe cuairt ar Aerfort Bhaile Átha Cliath ag pearsanra ACL ⁶.

Clár Oibre do 2005

I 2005 déanfaidh an Coimisiún

- socraithe a chríochnú a chinnteoidh comhordú Aerfort Bhaile Átha Cliath go Márta 2006,
- leanúint le monatóireacht éifeachtach na socraithe comhordaithe reatha, agus an leibhéal comhoibríthe leis an gcomhordaitheoir ag aerlínte ag feidhmiú chuig agus ó Aerfort Bhaile Átha Cliath, go háirithe, agus
- leanúint de mhonatóireacht na coranna rialúcháin ag leibhéal an AE, chomh fada is a éilíonn a thearmaí tagartha reachtúla.

⁶ Ar mhaithe le srianú costas, agus i gcomhaontú leis an gCoimisiún agus páirtithe leasmhara eile, ní choimeádan ACL oifigi ná foireann in Éirinn. Is féidir an ghníomhaireacht comhordaithe a chian-riaradh ón R.A., agus cuairteanna rialta ag tacú leis.

Athbhreithniú ar Oibleagáidí Dleathacha agus Riarthacha.

Treoracha de réir Cuid 10 den Acht um Rialáil Eitlíochta, 2001.

De réir cuid 10 den Acht seo, féadfaidh an tAire pé treoir polasaí ginearálta a shíltear is cuí a thabhairt don Choimisiún agus géillfidh an Coimisiún lena leithéid.

Níor eisíodh aon treoir dá leithéid don choimisiún i 2004.

Pearsanra

Baill foirne a earcaíodh go díreach agus baill ar iasacht ón Roinn Iompair i gcoibhneas isteach is amach le 50:50 atá mar bhaill foirne don choimisiún.

I 2004, rinne an Coimisiún athnuachan ar a iarratas ar an Roinn Iompair chun cead foireann breise a earcú chun go mbeadh sé ar a chumas a fheidhmeanna reachtúla a chomhlíonadh. Lean an Roinn de ghan a bheith in ann na postanna a iarradh a cheadú ach chuir in iúl go ndéanfaí athbhreithniú ar staid an Choimisiúin i gcomhthéacs athbhreithnithe ar an líon foirne in eagrais neamh-tráchtála faoi choimirce na Roinne. Bhíothas ag súil go mbeadh an deis ann, ar chríochnú an athbhreithnithe sin, chur chuig fadhbanna earcaíochta foirne an Choimisiúin.

Mar ag 31 Nollaig 2004, áiríodh ar fhoireann an Choimisiúin 8 ar iasacht ón Roinn Iompair, 9 mball fóirne buan fostaithe ag an gcoimisiún, agus triúr bhall fóirne sealadach gearr-théarmach.

Aoisliúntas

Tá an Coimisiún fós ag feitheamh ar cheadú ón Aire ar dhréacht-scéimeanna aoisliúntais a cuireadh faoina bhráid in Iúil 2004.

Ar feitheamh ceadaithe na scéimeanna ábhartha, oibríonn an Coimisiún scéimeanna sealadacha a fuair ceadú os na Coimisinéirí Ioncaim agus a dhéanann soláthar ar shochair atá ionchurtha go beacht leis na scéimeanna ábhartha mar a cuireadh isteach iad.

Mar ag 31 Nollaig 2004, bhí na scéimeanna uile lán-mhaonithe.

Coinneál Comhairleoirí

Tá se de chumhacht ag an gCoimisiún faoi Acht um Rialáil Eitlíochta, 2001, pé comhairleoirí agus lucht faisnéise a cheaptar a bheith riachtanach chun a chuid feidhmeanna a chomhlíonadh go héifeachtach.

I rith 2004, choinnigh an Coimisiún comhairleoirí/lucht faisnéise chun cúnamh a thabhairt le rialú táillí aerfort, leis an gcinneadh nua táillí aerfort mar a éilítear faoin Acht um Aerfoirt Stáit, 2004 agus le críoch a chur le anailís toillte ar Aerfort Bhaile Átha Cliath.

Choinnigh an Coimisiún tacaíocht sheachtrach freisin chun cúnamh a thabhairt le caidreamh na meán cumarsáide agus le coinneáil eagair/taca le Corais TF. Agus amhlaidh le réamh-bhlíonta, lean an Coimisiún leis an bpolasaí féachaint lena fhreagrachtaí a chomhlíonadh go hoscailte, go follasach agus go hionsroichte. Cuireadh gach doiciméad a bhí ar fáil don phobal ar shuíomh idirlín an Choimisiúin ar dtús agus bhí cóipeanna crua ar fáil ar iarratas..

I 2004 rinne an Coimisiún méadú agus maolú breise ar a láithreán gréasáin chun rochtain an phobail agus páirtithe leasmhara eile ar shonraí a iarrtar go minic, go háirithe i gcúrsaí ceadúnasaithe, a éascú.

Oibleagáidí Riaracháin

Cur i bhfeidhm Cóid Chleachtais um Rialú comhlachtaí Stáit.

I 2001, d'éisigh an roinn Airgeadais treoirlínte leasaithe um Rialú Comhlachtaí Stáit. Glacadh leis, áfach, sa doiciméad sin, gur féidir nach mbeidh gnéithe áirithe de na treoirlínte sin cuí nó iomlán ábhartha chun comhlacht rialúcháin Stáit mar an Coimisiún. Airíonn an coimisiún an gá le feidhmiú de réir an chaighdeáin is airde de rialaíocht chorparáideach agus cuirtear i bhfeidhm gach gné de na treoirlínte seo a bhaineann le scála agus nádúr feidhmithe an Choimisiúin.

Ag géilleadh d'éileamh na dtreoirlínte sin, tuairiscíonn an coimisiún mar a leanas: -

Códanna iompraíochta do Stiúrthóirí agus Fostaithe

Níl aon Stiúrthóirí ar an gCoimisiún. Cuireadh cód iompair i bhfeidhm i leith foireann uile an Chóimisiúin agus áirítear é mar choinníoll fostaithe conraitheach. Cuimsíonn tearmaí an chóid iompair iad siúd atá sannaithe sna Treoirlínte agus a bhfuil aontaithe ag an Roinn mar chuid de na téarmaí agus na coinníollacha fostaithe.

Rialtar bail foirne ar iasacht mar a éilíonn Cód Caighdeán agus Iompair na Státseirbhíse. Déanfar iniúchadh i 2005 ar chóid reatha na mball foirne fostaithe d'fhonn a chinntiú go leanfaidh sé de bheith ag cloí le sárchleachtas agus leis na normanna sin a éilítear ar státseirbhísigh araon.

Soláthar

Claíonn rialacha imeachta soláthar sa Choimisiún leo siúd atá sainnithe sna treoirlínte náisiúnta reatha, agus, nuair is cuí, le treorach soláthair an AE. De bharr nádúir agus scála a leithéid de riachtanais comhairliúcháin agus comhairleoireachta, is iondúil go mbíonn na conarthaí i leith suim a dtiteann a mbronnta faoi threoirlínte náisiúnta.

Diúscairt sócmhainní ar lucht treas-pháirtí

Níor dhiúscaíodh aon sóimhainn i 2004.

Fochomhluchtaí a bhunú agus eadálacha a fháil

Níor bunaíodh ná níor rinneadh aon fhochomhlacht i rith 2004.

Ilchineálú

Níor rinne an Coimisiún aon mholadh ilchineálaithe leis an aire i rith 2004.

Measúnú infheistíochta

Níor rinne an coimisiún aon mholadh caiteachas caipiteal tráchtála i rith 2004, seachas gnáth-sealbhu nó malartú treallamh TF agus oifige.

Íocaíocht agus Táillí Stiúrthóirí

Socraítear íocaíocht an Choimisinéara tríd na Comhairle Athbhreithne um Ard-íocaíocht san Earnáil Phoiblí agus ní bhaineann socrú an leibhéil sin leis an gCoimisiún. Níl táille breise iníoctha mar bharr ar an íocaíocht sin.

Socraítear leibhéil tuarastail fhoireann an Choimisiúin go lárnach, agus ní déantar athruithe, seachas méadaithe bliantúla mar is infheidhme, ach le cead na nAirí iompair agus Airgeadais. Níl táillí, seachas tuarastal, iníoctha le foireann an Choimisiúin.

Mar nach bhfuil Bord ar an gcoimisiún, níl aon Stiúrthóirí ann. Mar sin, níl íocaíocht táillí Stiúrthóra i gceist.

Socraithe um thuirisciú airgeadais

Déanann an Coimisiún tuairisciú leis an Aire agus an Roinn mar is cúf. Tá coras inmheánach lán-fhorbartha ag an gCoimisiún, coras a sholáthraíonn sain-tuirisciú bainistiú agus airgeadais míosúla chuig cinn na bhfeidhmeanna. Tá an coimisiún faoi reir iniúctha ag an Ard-Reachtair Cuntais agus Ciste.

Pleanáil Straitéise agus Chorparáideach

Tá feidhmeanna agus freagrachtaí an choimisiúin leagtha amach i bhfoirm reachta. Tuairiscíonn an Coimisiún ar bhonn bliantúil ar mar a chomhlíonadh na feidhmeanna sin sa bhliain roimhe. Chomh maith leis sin, achoimríonn an coimisiún a chuid moltaí straitéiseacha meán-treimhse i leith chomhlíonadh na bhfeidhmeanna sin.

I leith airgeadais

Tuairiscí agus Cuntais

Táirgeann feidhm airgeadais an Choimisiúin mionchuntais bainistíochta ar bhonn míosúil agus miontuairiscí easaontais buiséid ar bhonn míosúil, a gcuirtear faoi bhráid gach Cinn Feidhme. Tá an Coimisiún faoi réir iniúchtha ag an Ard-Reachtaire Cuntais agus Ciste.

Torthaí Airgeadais don bhliain dar críoch 31 Nollaig 2003

I rith 2004, rinne an tArd-Reachtaire Cuntais agus Ciste iniúchadh ar na ráitis airgeadais um 2003 agus cuireadh chun an Aire iad lena leagan faoi bhráid thithe an oireachtais, de réir Cuid 26(b) den Acht um Rialáil Eitlíochta, 2001. Leagadh na cuntais seo ar 6 Deireadh Fómhair, 2004.

Iniúchadh inmheánach

“...tá struchtúr eagrúcháin bunaithe ag an gCoimisinéir, a bhfuil gnása soiléir feidhmiúcháin agus tuairisciú ... ag baint leis...”

Mar a luaitear inár Ráiteas Stiúrtha Airgeadais Inmheánaigh chun freagarthacht an Choimisiúin a chomhlíonadh ionnas go gcinntítear géilleadh, tá struchtúr eagrúcháin bunaithe ag an gCoimisinéir, a bhfuil gnása soiléir feidhmiúcháin agus tuairisciú, línte freagrachta agus tuairisciú, línte, srianta údaráis, teascanú dualgaisí, agus údarás tiomanta ag baint leis.

Tá creat láidir stiúrtha suite ag an gCoimisiún, a chuimsíonn gach réimse stiúrtha.

I rith 2004, ghaibh an Coimisiún Deloitte orthu mar a n-iniúcháirí inmheánacha ar feadh tréimhse trí bliain. Mar chuid dá bplean iniúchtha inmheánaigh inrioscacht-bunaithe, rinneadh athbhreithniú foirmiúil stiúrtha inmheánacha i 2004. Ba é a dtuairim go raibh creat éifeachtach um stiúradh inmheánach feidhmithe ag an bpearsanra bainistíochta, ach ceisteanna atá luaite ina dtuairisc a bheith áirithe. Tá an pearsanra bainistíochta ag déanamh an riachtanais mar is féidir chun déileáil leis na nithe a tarraingíodh anuas ina dtuairisc.

Géilleadh Cánach

Dlítear IMAT, CBL agus CSSP ar an gCoimisiún. Chuir an coimisiún isteach gach aisfhilleadh ábhartha i 2004 agus tá sé lán-ghéilliúil.

Tobhach

Faoi chuid 23 den Acht um Rialáil Eitlíochta, 2001, féadann an Coimisiún rialachán a dhéanamh chun freagairt do na costais a tharraingíonn an Coimisiún air féin ó cheart i gcomhlíonadh a fheidhmeanna de réir an Achta, tré tobhach a ghearradh a fhreagróidh, ach nach rachaidh thar, meastachán dá chostais agus caithimh feidhmíochta. Tá an tobhach seo iníoctha ag a leithéid de chineáil dualgais is a shanrítear ag an gCoimisiún..

Eisíodh treoir dar teideal “Acht um Rialáil Eitlíochta 2001 (Tobhadh Uimh. 5) Treoir 2004” (I.R. Uimh. 722 de 2004) ar 22 Samhain 2004 chun Tobhach an Choimisiúin a chur i bhfeidhm i leith 2005.

Dréacht-ráitis Airgeadais don bhliain dar críoch 31 Nollaig 2004

Tá dréacht-ráitis airgeadais don bhliain dar críoch 31 Nollaig 2004, atá iniúchtha ag an Ard-Reachtaire Cuntais agus Ciste, leagtha amach sna leathanaigh a leanas.

An Coimisiún um Rialáil Eitlíochta

Dréacht-chuntas Ioncaim & Caiteachais don bhliain dar críoch 31 Nollaig 2004

		Notaí					2004	2003
		Táillí Aerfort	ATSC	Éascú Sceidil	Ceadúnasú	Tionscal an Taistil	€ Iomlán	€
Ioncam								
Admhála Tobhacha	2	2,638,500	66,000	288,000	105,000	-	3,097,500	5,170,564
Táillí Ceadúnas	2	-	-	-	-	420,365	420,365	445,196
Eile		33,892	(21)	(82)	(183)	(1,080)	32,526	21,191
Oll-Ioncam		2,672,392	65,979	287,918	104,817	419,284	3,550,391	5,636,951
Aistriú go/ó Cuntas Caipitil	9	(9,151)	(111)	(444)	(985)	(5,827)	(16,519)	(13,126)
Glan-Ioncam		2,663,240	65,869	287,473	103,832	413,457	3,533,872	5,623,825
Caiteachas								
Tuarastail	3	809,683	12,665	46,117	70,655	369,771	1,308,891	1,215,224
Comhairleacht		399,200	7,692	57,021	46	273	407,233	428,782
Fiacha Díl		149,592	223	893	1,981	11,782	164,472	1,413,076
Fógraíocht & Caidreamh Poiblí		45,848	1,478	10,155	3,874	15,998	77,352	24,566
Taisteal & Cothú		5,032	1,067	1,923	707	1,134	9,863	17,993
Traenáil		15,797	120	481	4,525	7,687	28,611	50,806
Fiacha Iniúchta		4,875	59	237	525	3,104	8,800	8,000
Cothabháil Gréasáin		26,300	317	1,269	3,421	18,314	49,622	29,508
Cíos		187,135	1,864	7,466	11,011	70,178	277,655	272,910
Leictreachas		3,538	43	172	381	2,253	6,387	6,128
Cothabháil Oifige		3,700	45	180	398	2,356	6,679	10,035
Árachas		77,439	771	3,090	4,557	29,040	114,897	117,772
Páipéarachas Oifige		8,584	104	417	924	6,394	16,422	24,232
Post agus Iompar		2,559	28	112	249	1,514	4,462	3,964
Guthán		11,414	121	485	1,076	6,465	19,561	20,728
Spásanna a Leithdháileadh ag Aerfort Bhaile Átha Cliath		-	-	190,336	-	-	247,336	202,924
Titim luach		10,263	124	498	1,105	6,535	18,526	16,026
Táillí Seirbhíse		23,255	232	928	1,368	8,721	34,504	34,782
Rátaí		18,677	186	745	1,099	7,004	27,712	26,294
Eile		42,537	225	1,778	1,961	12,290	58,791	34,087
		1,845,431	27,365	324,302	109,864	580,814	2,887,776	3,957,837
Fuilleach/(Easnamh) Feidhme		817,810	38,504	(36,829)	(6,032)	(167,357)	646,096	1,665,988
larmhéid mar ag 1 Eanáir 2004		1,763,482	(328)	(24,772)	(229,702)	166,388	1,675,069	9,081
Fuilleach Feidhme don Bhliain		817,810	38,504	(36,829)	(6,032)	(167,357)	646,096	1,665,988
larmhéid mar ag 31 Nollaig 2004		2,581,292	38,176	(61,601)	(235,734)	(969)	2,321,165	1,675,069

Níl aon sochmhannaí/caillteanas aitheanta seachas iad siúd atá pléite ins an gCuntas Ioncaim & Caiteachais
Is cuid de na Ráitis Airgeadais seo iad an Ráiteas Polasaí Cuntasáíochta agus na Notaí 1 go 16

William Prasifka

Coimisinéar

Dáta

Dréacht-Chuntas Cothromaíochta ag 31 Nollaig 2004

	Nótaí	€	2004 €	€	2003 €
Sócmhainní socraithe					
Sócmhainní inláimhithe	4		77,145		60,626
Sócmhainní reatha					
Cuntais Bhainc	5	17,017,786		16,243,139	
Fíochóirí agus Réamhíocaíochtaí	6	2,119,775		531,491	
		19,137,561		16,774,630	
Creidiúnaithe: Méideanna iníoctha faoi cheann bliana					
Cuntais Bhannaí Airgid	5	(14,110,010)	(13,659,836)		
Creidiúnaithe agus Fás	7	(2,706,385)	(1,439,726)		
Glanshócmhainní Reatha			2,321,165		1,675,069
Glanshócmhainní			2,398,310		1,735,695
Maoinithe ag					
Cuntas Ioncaim agus Caiteachais Fuilleach/(Easnamh)			2,321,165		1,675,069
Cuntas Caipitil	9		77,145		60,626
Caipiteal ag Feidhmiú			2,398,310		1,735,695

Cuid de na Ráitis Airgeadais seo ab iad an Ráiteas Polasaí cuntasáíochta agus na Nótaí 1 go 16.

William Prasifka

Coimisinéir

Dáta

Dréacht-Ráiteas Sreafa Airgid don bhliain dar críoch 31 Nollaig 2004

	Nótaí	2004 €	2003 €
Réiteach d'Fhuilleach Feidhmithe le Glan-sní			
Airgid Isteach/Amach ó Ghníomhaíocht Oibrithe			
Fuilleach/(Easnamh) ar Ioncam agus Caiteachas		646,096	1,665,988
Dímheas		10,500	15,667
Ús bainc		(33,538)	(23,445)
Aistriú (ó)/go Caipitil		16,519	13,126
Maolú/(Fás) i bhFiachóirí		(1,611,707)	(284,931)
Maolú/(Fás) i Réamhíocaíochtaí		23,423	(58,650)
(Maolú) /Fás i gCreidiúnaithe		(49,526)	565,264
(Maolú)/ Fás i bhFásanna		1,316,186	(163,329)
		<hr/>	<hr/>
Glan-Sní Airgid Isteach/(Amach) ó Ghníomhaíochtaí Oibrithe		317,953	1,729,690
		<hr/>	<hr/>
Ráiteas Sní Airgid			
Glan-Sní Airgid Isteach/(Amach) ó Ghníomhaíochtaí Oibrithe			
		317,953	1,729,690
Aisfhilleadh ar Infheistíochtaí			
Ús Bainc		33,538	23,445
Caiteachas Caipitil			
Ceannach Sócmhainní Socraithe		(27,018)	(28,794)
Maoiniú			
Fás i gCuntais Bhannaí Airgid & TPF		450,174	4,470,054
Bainistiú Acmhainne So-Aistrithe			
Fás i Maoin i dTaisce		(435,585)	(2,421,147)
		<hr/>	<hr/>
Fás/ (Maolú) i gCothromaíocht Airgid		339,062	3,773,248
		<hr/>	<hr/>
Réiteach Glan-Sní Airgid le hAthrú i nGlan-Mhaoin			
Fás / (Maolú) in Airgead ar Láimh sa Tréimhse		339,062	3,773,248
Airgead in Úsáid chun Cur le hAcmhainn So-Aistrithe		435,585	2,421,147
		<hr/>	<hr/>
Athrú i nGlan-Mhaoin	11	774,647	6,194,395
		<hr/>	<hr/>
Glan-Mhaoin Thosaigh		16,243,139	10,048,744
		<hr/>	<hr/>
Glan-Mhaoin ar Deireadh		17,017,786	16,243,139

Cuid de na Ráitis Airgeadais seo ab iad an Ráiteas Polasaí cuntasáíochta agus na Nótaí 1 go 16.

William Prasifka

Coimisinéir

Dáta

Aguisín 1 Páipéirí eisithe ag an gCoimisiún 2004

Uimhir	Dáta eisithe	Teideal
CP 01/2004	23ú Márta 2004	Ráiteas um Chomhlíonadh Sealadach 2002/03 agus Praghasteorainneacha 2003/04 de Mhuirir Seirbhísí Críochfoirt Eitlíochta
CP 02/2004	26ú Márta 2004	Uasleibhéil Muirear Aerfoirt Athbhreithniú ar an gCinneadh faoi Uasleibhéil Muirear Aerfoirt agus Tuarascáil Fógra Dearmaid maidir le CP2/2004 Athbhreithniú ar an gCinneadh faoi Uasleibhéil Muirear Aerfoirt agus Tuarascáil
CP 03/2004	8ú Aibreáin 2004	Uasleibhéil Muirear Seirbhísí Críochfoirt Eitlíochta Fógraíonn an Coimisiún an rún atá acu athbhreithniú a dhéanamh ar Chinneadh 2002 faoi Uasleibhéil Muirear Seirbhísí Críochfoirt Eitlíochta
CP 04/2004	29ú Aibreáin 2004	Athbhreithniú ar an gCinneadh faoi Uasleibhéil Muirear Seirbhísí Críochfoirt Eitlíochta agus Tuarascáil
CP5/2004	17ú Lúnasa 2004	Comhairliúchán faoi Chur i bhFeidhm Cheanglais Ionstraim Reachtúla Uimh. 505 de 1998 – Rialachán na gComhphobal Eorpach (Rochtain ar an Margadh Láimhsithe in Aerfoirt an Phobail*) 1998.
CP6/2004	1ú Deireadh Fómhair 2004	Próiseas i dtreo Cinnte Nua faoi Mhuirir Aerfoirt ag Aerfort Bhaile Átha Cliath a bhaint amach
CP7/2004	1ú Deireadh Fómhair 2004	Comhairliúchán faoi dhéanamh Cinnte Nua faoi Mhuirir Aerfoirt ag Aerfort Bhaile Átha Cliath
CP8/2004	6ú Deireadh Fómhair 2004	Táillí Rochtana ar Shuiteálacha Aerfoirt
CP9/2004	22ú Nollaig 2004	Tátail an Choimisiúin ar thionchar na leasuithe a rinne Acht na nAerfort Stáit 2004 ar an Acht um Rialáil Eitlíochta 2001
CP10/2004	23ú Nollaig 2004	Ráiteas um Chomhlíonadh Bliantúil