



DECISION TO DESIGNATE DUBLIN AIRPORT AS A COORDINATED AIRPORT

in accordance with the provisions of Council Regulation (EEC) No. 95/93 of 18 January 1993, (as amended by Regulation (EC) 793/2004 of the European Parliament and of the Council of 21 April 2004)

on

Common Rules for the Allocation of Slots at Community Airports

Commission Notice 3/2005

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1. INTRODUCTION

Under the Aviation Regulation Act, 2001, the Commission for Aviation Regulation (the "Commission") is the competent authority in Ireland for the purposes of Council Regulation (EEC) No. 95/93 on Common Rules for the Allocation of Slots at Community Airports. This Regulation was amended by Regulation EC 793/2004, which came into effect on 30 July 2004.

Under the revised Regulation, the Commission has two primary responsibilities - the designation, if required, of Irish airports as either "Schedules Facilitated" or "Coordinated" and the appointment of a "Schedules Facilitator" or "Coordinator" as appropriate.

2. BACKGROUND

Dublin Airport was designated as coordinated (*now schedule facilitated*) by the Minister for Public Enterprise in 2000 and it has held that status continuously since that time.

Following a request by the airport authority (*then Aer Rianta*) in September 2002 to amend the status of Dublin Airport to that of a fully coordinated (*now coordinated*) airport, the Commission undertook a review of the designation status of the Airport. The Commission concluded in May 2003 on foot of that review that full coordination was not required at that time. The Commission did, however, commit to reviewing the coordination status again in early 2004.

As part of that review, it was decided to undertake a full capacity analysis in accordance with the requirements of Article 3 of Regulation 95/93 and this was carried out by Alan Stratford & Associates (ASA) on behalf of the Commission during the summer of 2004. On its completion, and following a public consultation process, the Commission decided on 13 October 2004 that there were no grounds at that time to change the designated status of Dublin Airport.

That Decision was made on the basis of two caveats contained in the conclusions and recommendations of the consultant's report. Two scenarios had been identified which might justify a change in the designation status of Dublin.

These were

- "an increase in transatlantic flights to/from Dublin following the potential relaxation of the Shannon stopover under the Ireland - US Transport Agreement", and
- "a significant increase in the scale of refusals by airlines to adjust their allocated slot times in order to facilitate other airlines' actual or proposed operations."

3. MONITORING OF THE DECISION

At the time of publication of that Decision, the Commission stated that it would continue to monitor the capacity situation at Dublin airport (as it is required to do under the Regulations) and would, in particular, monitor the scenarios specified in the Decision.

In the intervening period, the Commission has been briefed in detail on an on-going basis by Airport Coordination Limited (ACL), the Dublin Airport schedules facilitator. In particular, the Commission has sought information in respect of the slot requirements for the Summer 2005 scheduling season, with specific reference to the scale of refusals by airlines to accede to requests to operate at amended times.

Information supplied to the Commission clearly indicates that the incidence of refusals has increased by more than 100% as compared to the Summer 2004 scheduling season. The Commission has taken the view that this is a "significant increase in the scale of refusals" as identified in its October 2004 Decision and anticipates that this development may compromise the efficiency of existing arrangements.

4. DECISION

Following due consideration, **the Commission;**

- *having regard* to the conclusions of the Alan Stratford Report that an immediate change in the status of Dublin airport would be justified by a significant increase in the scale of refusals to cooperate with the current voluntary system,
- *noting* that a significant increase in the scale of refusals has occurred with regard to the summer 2005 scheduling season as compared to the summer 2004 scheduling season,

has decided, in exercise of the powers vested in it under Section 8(1) of the Aviation Regulation Act, 2001, to designate Dublin Airport as a coordinated airport with effect from the Summer 2006 scheduling season in accordance with the provisions of Regulation 95/93, as amended by Regulation 793/04.

William Prasifka
Commissioner

26 April 2005.