

### 10 July 2020

- 1.1 The Commission is proposing to implement a new Local Guideline at Dublin Airport – referred to as Local Rule A. The purpose of the rule is to provide a framework to allow for the flexible and timely management of a temporary reduction in available capacity at Dublin Airport, as a result of measures to prevent the spread of COVID-19.

### *Background*

- 1.2 Section 8(1) of the Aviation Regulation Act, 2001, states that the Commission is the competent authority in Ireland for the purposes of Council Regulation (EEC) No. 95/93, as amended by Regulation (EC) No 793/2004 (“the Slot Allocation Regulations”). The Commission is therefore responsible for:
- The designation of the Coordination status of Irish airports.
  - Appointing a qualified schedules facilitator or coordinator, as appropriate, at airports which have been designated as Schedules Facilitated or Coordinated.
  - The declaration of coordination parameters at Coordinated airports, taking into account relevant technical, operational and environmental constraints.
  - Deciding whether to approve Local Guidelines proposed by the Coordination Committee.
- 1.3 The Commission has received a proposed Local Guideline, termed ‘Local Rule A’, from ACL (the Dublin Airport coordinator). The Commission has also received advice from the Coordination Committee at Dublin Airport in relation to the Local Guideline.

### *Local Rule A*

- 1.4 The Commission declares the capacity of Dublin Airport for the purposes of the Slot Regulation for a given scheduling season. This capacity declaration applies for a full season, and is made several months in advance. It therefore does not provide a mechanism to respond to fast-moving changes due to the COVID-19 pandemic. The purpose of Local Rule A is to provide a framework to allow for the timely management of a temporary reduction in available capacity, as a result of measures to prevent the spread of COVID-19. This can be done in a flexible and targeted way, as demand and/or virus suppression measures change over time.
- 1.5 The intention is for carriers and Dublin Airport to initially work together to solve any identified capacity issues, thereby avoiding the need to apply a temporary capacity under Local Rule A. If necessary, COVID-19 related capacity issues will then be addressed in a more structured way through the implementation of the capacity reduction process as per Local Rule A.
- 1.6 If Dublin Airport considers that the implementation of a temporary reduced capacity is required, it will call an EGM of the Coordination Committee. It will set out details of the modelling it has carried out, and the capacity issue or issues it has identified. The Coordination Committee will vote on the proposed temporary capacity. The results of this vote together with the proposed temporary capacity and supporting evidence will be sent to the Commission. The Commission will issue a draft decision on the temporary capacity. There will be a consultation period, the length of which will be determined by the Commission and dictated by the requirements to make a timely decision. Following consideration of any responses received, the Commission will then make a final decision on the temporary capacity.

## CN8/2020 Draft Decision on Local Rule A at Dublin Airport

- 1.7 Local Rule A does not change the formal declared capacity for the purposes of Article 6 of the Slot Regulation.<sup>1</sup> Nor does it seek to change air carrier's legal obligations or entitlements under the Slot Regulation.

### Coordination Committee Advice

- 1.8 At an EGM on 2 July 2020, Coordination Committee members discussed and voted on the implementation of Local Rule A. The results of the vote are set out in Table 1.

**Table 1: Coordination Committee votes in favour of Local Rule A**

Committee Member	No	Yes
Daa		40
IAA		20
Aer Lingus		311
Air France		23
BA City Flyer		25
British Airways		34
CityJet		11
Lufthansa		31
Ryanair		388
Stobart Air	100	
TUI		16
<b>Total</b>	<b>100</b>	<b>900</b>

*Source: Coordination Committee. As per the Committee constitution, the calculation of the number of votes for air carriers is based on the number of aircraft movements operated at Dublin Airport in 2019*

- 1.9 The majority advice of the Coordination Committee is therefore to implement Local Rule A. The text of Local Rule A as voted on by the Coordination Committee and the letter of advice from the Coordination Committee are published alongside this document.
- 1.10 As set out in its letter, the Committee has also advised the Commission to roll forward the declared capacity parameters from Summer 2020 to Summer 2021. The Commission will separately issue a draft decision on the declared capacity for Summer 2021 no later than 3 September as per the published timeline.<sup>2</sup>

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01993R0095-20200401&from=EN>  
<sup>2</sup> <https://www.aviationreg.ie/fileupload/Coordination%20parameters%20timelines/2019-11%20Timeline%20for%20W20%20and%20S21.pdf>

### *Draft Decision*

- 1.11 In line with the advice of the Coordination Committee, the Commission is proposing to implement Local Rule A in order to set out a framework to allow for flexible and timely management of a temporary capacity reduction in a transparent way.
- 1.12 This is a consultation document. Please provide any responses by **5 pm, Friday 17 July**. Responses should be titled 'Response to Draft Decision on Local Rule A' and sent to [info@aviationreg.ie](mailto:info@aviationreg.ie).<sup>3</sup>

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<sup>3</sup> Respondents should be aware that we are subject to the provisions of the Freedom of Information legislation. Ordinarily we place all submissions received on our website. We may include the information contained in submissions in reports and elsewhere as required. If a submission contains confidential material, it should be clearly marked as confidential and a redacted version suitable for publication should also be provided. We do not edit submissions. Any party making a submission has sole responsibility for its contents and indemnifies us in relation to any loss or damage of whatever nature and howsoever arising suffered by us as a result of publishing or disseminating the information contained within the submission.