



Decision on a request by Aer Rianta (*now the Dublin Airport Authority*) that Dublin Airport be designated as “coordinated” under Council Regulation (EEC) No. 95/93 (as amended by Regulation (EC) No. 793/2004 of 21 April 2004) on Common Rules for Allocation of Slots at Community Airports

1. INTRODUCTION

Section 8(1) of the Aviation Regulation Act, 2001, provides that the Commission for Aviation Regulation is the competent authority in Ireland for the purposes of the designation of Community airports located in Ireland under Council Regulation (EEC) No. 95/93 ('the Regulation').¹

On 25 September 2002, the Commission received representations from Aer Rianta² that Dublin Airport should be designated as fully co-ordinated. In response to that request, the Commission carried out an examination of material provided by Aer Rianta and others and, on 14 May 2003, concluded that the designation of Dublin Airport as fully coordinated was not required at that time. The Commission, however, committed to reviewing the coordination status of Dublin Airport in early 2004.

¹ Council Regulation (EEC) No. 95/93 of 18 January 1003 on common rules for the allocation of slots at Community airports

² As at 1 October 2004 Aer Rianta became Dublin Airport Authority.

2. CAPACITY ANALYSIS AND REPORT

2.1. The Report and its Conclusions.

The Regulation provides that prior to a decision being made to designate an airport as coordinated, the Member State must have carried out a thorough capacity analysis, having regard to commonly recognised methods. In order to advance the undertaking given to Aer Rianta in May 2003, the Commission engaged Alan Stratford and Associates (“ASA”) on 2 April 2004 to carry out a “thorough capacity assessment” as required under Article 3 of the Regulation.

ASA consulted with relevant stakeholders at the airport prior to publishing a draft capacity analysis in June 2004, on which interested parties were invited to comment.

Having considered all comments received, ASA published its final report in July 2004.

The ASA Report comprehensively analyses capacity at Dublin Airport. The principal conclusion of the report was that

“In accordance with the project brief, we have reviewed previous studies and we have prepared our own assessment of the key areas of terminal, runway and stand capacity at Dublin Airport and we have examined the relevant arguments for and against full coordination put forward by the key stakeholders.

*Our own capacity assessment suggests that terminal capacity is likely to be the key constraining factor, with our own estimates (based on the BAA methodology) giving an overall capacity of some 18-22 mppa, dependent on space standards per passenger. **As such, we believe that the existing infrastructure is sufficient***

to cater for the expected traffic demands over the next three years, (emphasis added - CAR) provided the existing scheduling constraints are applied and the level of flights operated at uncoordinated times is maintained at close to current levels."

However, the ASA Report set out two circumstances which, were they to occur either singly or in combination to a significant degree, would justify an immediate change in the designation status of Dublin Airport from schedules facilitated (*coordinated*) to coordinated (*fully coordinated*):

"The first scenario is the possible effect of an increase in transatlantic flights from Dublin following the potential relaxation of the Shannon stopover under the US-Eire bilateral.

The second scenario concerns the level of refusals to flight changes requested by the Coordinator Should there be a significant increase in the scale of refusals (as indicated, for example, in an annual review of the system), then this may compromise the efficiency of existing arrangements and could justify a change in the airport's coordination status."

2.2. Consultation following the Report.

Shortly after the publication of that report, the Commission invited interested parties to comment on the current capacity situation at Dublin Airport, as required under Article 3.4 of the Regulation. Comments were received from the Irish Aviation Authority, Aer Lingus, Monarch Airlines, Aer Rianta, Sky Handling Partner, Dublin Airport Passenger Services Council, Swords/Fingal Chamber of Commerce, the Irish Tour Operators Federation, Irish Travel Agents Association, Air Contractors, The Federation of Aerospace Enterprises in Ireland, Servisair (Ireland) and Aviance.

The airport authority took particular exception to both the conclusions and methodology of the ASA Report and strongly argued a case for the redesignation of Dublin airport to coordinated status.

2.3. Commission conclusion on ASA Report

Having considered the ASA Report, the submissions of interested parties regarding (a) the conclusions of the report and (b) the current capacity situation at Dublin Airport, the Commission is satisfied that the ASA Report is *"a thorough capacity analysis.... based on commonly recognised methods and fulfils the condition set out in Article 3 (3) of the Regulation that it "shall consider the possibilities of overcoming such shortfall in capacity through new or modified infrastructure, operational changes, or any other change, and the time frame envisaged to resolve the problems."*

In this context, the Commission notes that ASA examined infrastructural constraints in runways, stands and terminal capacity as well as operational changes which may increase capacity in the short term.

The Commission notes the comments by ASA on the methodology used by Aer Rianta to assess the capacity of the departures concourse, which has been identified by Aer Rianta as the weakest link in passenger processing capacity.

The ASA Report concluded that the methodology used by the airport authority to reach its conclusion was *"beyond commonly accepted principles for an analysis of this type."* In this regard, the Commission notes that the broad conclusions of the ASA Report concur with the results of a separate study of the Aer Rianta capacity assessment undertaken on behalf of the Commission in relation to its remit to determine airport charges at Dublin Airport.

2.4. Designation status at other European airports

The Commission notes that while there are “*commonly recognised methods*” of analysing airport capacity, there is no commonly applied method of designating an airport as “coordinated” under Regulation 95/93. In particular, the Commission notes the point made by Aer Rianta in its submission that Stansted Airport became “fully coordinated” in 1998 when its annual passenger throughput was 7 million, less than half of the anticipated throughput of Dublin Airport in 2004 and that the large majority of European capital city airports have full coordination status.

3. COMMISSION DECISION

The Commission,

accepting that the ASA Report fulfils the capacity analysis requirement under the Regulation,

noting that the ASA Report does not identify any serious problems in capacity in Dublin Airport which cannot be resolved in the short term,

having fully considered all submissions received in response to its invitation to consultation,

finding that there is no basis at present to designate Dublin airport as coordinated under the Regulation,

has decided that there are no grounds at present time to designate Dublin airport as a coordinated airport under the Regulation.

4. FUTURE MONITORING

The Commission will, in accordance with the provisions of Article 3 of Council Regulation (EEC) No. 95/93 as amended, update the capacity analysis periodically and will, in particular, monitor the capacity position of Dublin airport to ascertain if either of the two short term circumstances identified by ASA materialise.

If either circumstance occurs and, on investigation by the Commission, is shown to (a) have significant implications for the ability of the airport to cater for current or planned traffic and/or (b) compromises the efficiency of existing arrangements, Dublin Airport will be designated as coordinated.

Furthermore, the Commission notes the conclusion in the ASA Report that the current voluntary system in place under the schedules facilitated arrangement may meet the needs of the airport for another three years.

Accordingly, the Commission hereby gives notice that if neither circumstance identified above occurs, and that additional infrastructural measures to increase capacity at Dublin Airport have not been implemented before then, the Commission anticipates that Dublin Airport will be changed to coordinated status from the Summer 2007 scheduling period, in accordance with statute.

William Prasifka
Commissioner
13 October 2004.