



Consideration of the Full Coordination of Dublin Airport

Commission Paper CP3/2001

Consultation paper on capacity analysis and consideration of the designation of Dublin Airport as “Fully Coordinated” under Council Regulation 95/93 on Common Rules for Allocation of Slots at Community Airports.

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1. Executive Summary

The Aviation Regulation Act, 2001 provides that the Commission for Aviation Regulation is the competent authority in Ireland for the purposes of Council Regulation 95/93 ('the Regulation'), other than the functions of the coordinator. As such, the Commission is responsible for the designation of Community airports located in Ireland as fully coordinated. This consultation paper invites submissions from interested parties on the issue of whether the Commission should designate Dublin Airport as fully coordinated.

At present, Dublin airport is a coordinated airport, within the meaning of the Regulation. This means that air carriers must notify the coordinator in advance of their proposed schedules. The coordinator, which in the case of Dublin airport is ACL Ltd., must then work with the carriers so as to facilitate their operations.

On 6 September 1999, Aer Rianta wrote to the Minister for Public Enterprise requesting that Dublin airport be fully coordinated. At a fully co-ordinated airport, the carriers must also notify the coordinator in advance of their proposed schedules. However, by contrast with a coordinated airport, at a fully coordinated airport, during the period of coordination, in order to land or take off, it is necessary for an air carrier to have a slot allocated by the coordinator.

In accordance with the Regulation, the Minister commissioned a capacity assessment by SH&E of Dublin airport, which has now been completed. Legal responsibility in respect of this matter has now passed to the Commission. The Commission now wishes to consult on the capacity analysis performed by SH&E as well as on whether or not Dublin airport should be fully coordinated.

William Prasifka

Commissioner

2. Council Regulation 95/93

The Regulation was adopted by the Council of Ministers in order to establish common rules for the allocation of slots at Community airports. The recitals to the Regulation, in explaining its purpose, cite, among other factors: the imbalance between the expansion of air transport and the availability of adequate airport infrastructure; Community policy to facilitate competition and to encourage entrance into the market, and the need to avoid situations where, owing to the lack of available slots, the benefits of liberalisation are unevenly spread and competition is distorted.

The Regulation provides that a Community airport may be designated as either coordinated or fully coordinated. The decision as to the designation of a

Community airport is taken by a competent authority in each Member State. Under Section 8(1) of the Aviation Regulation Act, 2001 ('the Act'), the Commission for Aviation Regulation is now the competent authority, and under Section 8(2) of the Act, the Commission is responsible for appointing a coordinator. The Commission is not empowered to discharge the functions of the coordinator.

2.1 Coordination

A fully coordinated airport is defined by the Regulation as an airport "where, in order to land or take off, during the periods for which it is fully coordinated, it is necessary for an air carrier to have a slot allocated by a coordinator." Dublin airport is not a fully coordinated airport. Dublin airport was designated by the Minister for Public

Enterprise (the predecessor to the Commission as the competent authority in the State under the Regulation) as a coordinated airport on 1 September 2000. A coordinated airport is an airport where a coordinator has been appointed to facilitate the operations of air carriers operating or intending to operate at that airport. At a coordinated airport, as distinct from a fully coordinated airport, an air carrier need not have a slot allocated to it by the coordinator in order to take off or land. In October 2000 the Minister for Public Enterprise appointed ACL Ltd. as the coordinator of Dublin Airport.

2.2 Full Coordination

The Regulation provides that prior to an airport being designated as fully coordinated, the Member State must have carried out a thorough capacity analysis, having regard to commonly recognized methods. In addition, the designation of an airport as fully coordinated can only be made following consultation with air carriers, their representative organizations, the airport authority, air traffic control authorities and passengers' organizations.

In November 2000, the Minister of Public Enterprise commissioned SH&E Limited to complete a capacity analysis after a formal request from Aer Rianta, the airport operator, that Dublin airport be fully coordinated. That analysis has been completed, circulated among interested parties and published on the Commission's website at www.aviationreg.ie.

3. Scope of Consultation

The Commission, as the competent authority, now wishes to receive submissions from all interested parties for purposes of making a determination as to whether Dublin airport should be fully coordinated. In particular, parties are invited to comment on the proposed change in designation of Dublin airport to fully coordinated in relation to:

1. The assumptions, conclusions, analysis and factual basis of the SH&E report; and
2. Whether, having regard to the standard specified in the Regulation, and the terms and nature of the report, a basis exists, in respect of Dublin airport, for the Commission to designate it as fully coordinated.

Submissions should be made no later than 5 June 2001 and should be addressed to:

Cathal Guiomard

Head of Economic Affairs,

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Submissions should be sent to the Commission either on floppy disk or by email to "info@aviationreg.ie" and should be either in Microsoft Word (".doc") or portable document format (".pdf"). All submissions received will be posted on the Commission's website. Following consideration of the SH&E Report, the Regulation and the submissions, the Commission will make a decision on the designation of Dublin Airport and this decision will also be posted on the Commission's website.

4. Conditions of Consultation

4.1 Timing

The timetable is based on what the Commission considers to be the likely chain of events leading up to its determination. As such, it is a statement of intention on the part of the Commission. The Commission reserves the right to adapt or amend elements of the consultation process (including their timing) in the light of changes in circumstances, unforeseen developments in the process, or so as to ensure the integrity of the consultation process.

4.2 Deadlines

Where a date is expressly or impliedly stipulated, then the closing time for receipt of submissions by the Commission will be 5.00 pm on the day in question.

4.3 Delivery of Documents

All correspondence, in response to requests for views must be received in electronic format. In all cases the sender shall have an obligation to ensure that the information is actually received by the Commission on or before the specified deadline.

4.4 Information

The Commission is eager to ensure that the process leading to its conclusions and decision is administered in an open, accessible manner. Nonetheless, parties are free to designate part or all of their submissions as confidential.

4.5 Use of the Commission's website

As indicated, the Commission proposes to place all of the submissions that it

receives in response to requests, on its website. Ordinarily, the Commission will not be editing submissions, which it receives. As a result, the content of any submission is solely a matter for the submitting party, and in that regard, interested parties are referred to the legal notice and indemnity concerning use of the Commission's website which is contained in Annex I to this paper.

Annex I

LEGAL NOTICE

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