

Ms. Catherine Mannion
Commissioner
Commission for Aviation regulation
3rd Floor, Alexandra House
Earlsfort Terrace
Dublin 2

18 October 2016

Re: Declaration of Parameters for Summer Season 2017

Dear Catherine,

We refer to the above process and today's meeting to discuss the Report prepared by Peter Forbes of ASA. We understand that CAR intends to issue its decision with regard to the coordination parameters in the course of tomorrow.

As pointed out in our submission of 14th October, we have serious concerns about the current process and its compliance with the requirements of EU Slot Regulation 95/93 and the IATA Worldwide Slot Guidelines. While Article 6 of the Regulation coupled with the provisions of the Aviation Regulation Act 2001 provides that CAR may establish the coordination parameters in certain circumstances, it is expressly provided that "this exercise shall be based on an objective analysis of the possibilities of accommodating the air traffic, taking into account the different types of traffic at the airport, the airspace congestion likely to occur during the coordination period and the capacity situation."¹ Having considered the content of the ASA Report and in light of today's discussion, it is clear that such an exercise has not been carried out and could not have been carried out in the time allowed.

In particular, it is acknowledged in the introduction to the Report that a full capacity study should be undertaken "in ideal circumstances" when assessing coordination parameters. Similarly, the conclusion to the Report states that "the data available ideally needs further analysis to determine whether the proposed changes in the declared capacity at Dublin airport is operational (sic) feasible or desirable." The subsequent conclusions are described as "preliminary".

Given the very significant operational and financial implications which such a decision could have for airlines operating at Dublin Airport, it would clearly be unsafe and inappropriate for the CAR to disregard the views of the coordination committee and increase declared capacity on such an incomplete assessment. As we pointed out in our written submission, if the CAR intends to define coordination parameters going

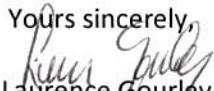
¹ See Article 6(1) of the Regulation

forward, it should adopt a clear process which affords sufficient time to consult with interested parties and to consider in detail all relevant facts.

Examples of the many deficits in the Report include the following:

- The Report advises that the best measure of assessing the impact of operating an airport at or close to full capacity is assessing the average taxiing time for departing flights (Section 7). However, it is also acknowledged that the NATS assessment does not take taxi times into consideration (Section 5) and, that given the time constraints, only a limited assessment of taxi times has been carried out.
- The assessment of taxi times contained in the Report is flawed and incomplete in many respects including the following:
 - o the assessment is restricted to year on year assessment from 2015 and 2016 and not expansion to multiyear trends – we note that the SES performance data shows a significant deterioration in performance between 2014 and 2015;
 - o the airports selected for comparison purposes are unsuitable (e.g. none are major hub airports) and the correlation between capacity increases and punctuality deterioration has not been assessed.
- A lack of any assessment of the impact of deteriorating punctuality on airline's business models and performance.

In addition to the above, we restate the concerns contained in our previous submission.

Yours sincerely,

Laurence Gourley
Director of Legal