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11th November 2005

Ms. Louise O'Dwyer
Commission for Aviation Regulation
3rd Floor
Alexandra House
Earlsfort Terrace
Dublin 2

BY E-MAIL AND POST

RE: Commission Notice 7/2005 - Notice regarding request from the Dublin Airport Authority for approval for an annual adjustment for inflation in respect of check-in desk charges at Dublin Airport

Dear Louise,

We refer to the above Notice concerning the request by Dublin Airport Authority for the Commission to approve an annual CPI adjustment in respect of check-in desk charges at Dublin Airport.

In considering this request by the Dublin Airport Authority, we believe that the Commission should not approve the annual CPI increase in check-in desk rental fees until the Dublin Airport Authority can demonstrate that it has (i) established reasonable service levels in consultation with the Airport Users Committee with regard to baggage delivery from the check-in desks to the baggage make-up area in the baggage hall and (ii) taken adequate measures to ensure that queues for the friskem points are managed such that they do not encroach into the area covered by the check-in desk rentals. Aer Lingus has experienced problems in both these areas during the past year with the result that it has not obtained full value for the rentals it pays in respect of its check-in desks.

We would also like to take this opportunity to remind the Commission of its wider obligations under 14(3) of the Groundhandling Regulations in respect of other charges levied by the airport authority. As stated in our submissions on CP5/2004, the airport authority has breached and continues to breach the requirements of Section 14(3) of the Groundhandling Regulations in respect of many other charges. In particular, we asked the Commission to



consider the legality of the following charges in light of the clear findings of the European Court of Justice in Flughafen Hannover-Langenhagen GmbH v Deutsche Lufthansa:

- (i) Fees levied on catering suppliers which is based on a percentage of turnover generated by caterers.
- (ii) Airfield fee royalty charges imposed on aviation fuellers which is based on a fixed amount per litre.
- (iii) The miscellaneous fees and charges imposed by Aer Rianta such as charges for ID permits, vehicle permits, groundhandling administration, fixed electrical groundpower, aircraft sewage disposal, communications and cabling and immigration and naturalisation services

In addition, we asked the Commission to consider the applicability of the Groundhandling Regulations to the Code of Conduct which the airport authority has attempted to impose on groundhandlers.

The Commission stated in paragraph 2.2.2 of CP8/2004 that it would deal with the wider issue of other charges relating to access to airport installations levied by the airport authority and which may require the approval of the Commission “in due course”. In view of the above, it is imperative that the Commission now deals with this issue as a matter of urgency by making a clear statement on the applicability of Section 14(3) of the Groundhandling Regulations to other charges levied by Dublin Airport Authority.

Yours sincerely,

Laurence Gourley
Manager Legal Affairs