



Corporate Head Office,
Dublin Airport,
County Dublin,
Ireland.
Telephone: +353 1 8121212
General Fax: +353 1 812 1213
sita; DUBHQFR
Reservations: +353 1 2497700
Website: www.ryanair.com

Department Fax Numbers
Finance: 01 8121373
Sales & Marketing: 01 8446625
Flight Operations: 01 8444404
Engineering: 01 8121338
Reservations: 01 6097902

7th February 2007

Mr Kieran Baker
Commission for Aviation Regulation
3rd Floor
Alexandra House
Earlsfort Terrace
Dublin 2
Fax: 661 1269

Dear Kieran,

Consultation on Updated Scheduling Information for Dublin Airport for the Summer 2007 Season

Ryanair is astounded by your consultation paper, which arrived in our offices after close of play on Thursday last, 1st February, regarding the coordination status of Dublin Airport. Ryanair considers that the CAR's behaviour is entirely inappropriate and unlawful on four counts:

1. CAR has apparently failed to take account of the material criticisms made by Ryanair of the Jacob's study and has therefore carried out an incomplete analysis;
2. CAR has set an unfair and unnecessarily short consultation period of 4 working days for response, which is totally unrealistic and can only have been intended to frustrate any meaningful response from interested parties;
3. Contrary to the requirements of Regulation 95/93 (Articles 3(4) and 3(5)), there has been no consultation with carriers regarding whether there are measures which could be taken to relieve any capacity problem at Dublin Airport (despite the fact that a Coordination Committee already exists at Dublin Airport), if there is actually a problem, which Ryanair does not accept for the reasons set out in its previous response;
4. Any decision to change the coordination status of Dublin Airport at this extremely late point in the scheduling process for Summer 2007, after the slot handback date for the season, will be prejudicial to airlines operating at Dublin Airport who may find themselves unable to operate because of unmatched slots at either end of a route or due to difficulties involving crew hours.

Ryanair considers that the CAR's proposed action is almost certainly illegal and Ryanair will take the necessary steps to prevent such action, as it had to do relative to the last attempt to impose coordination at Dublin Airport.

Before addressing the issues raised in the CAR's consultation paper, Ryanair protests that the consultation period prior to such an important and far reaching decision is inequitable, unnecessary and prejudicial to the interests of airlines and passengers. The proximity of the start of the Summer 2007 season cannot justify such precipitate action, rather any reasonable deadline for considering a change to the coordination status of Dublin Airport must have been before the IATA Slot Conference in order to give airlines a reasonable chance to adjust their schedules, not just at Dublin but at other airports. It is for this reason that industry guidelines recommend 6 months as the minimum lead time for a change in coordination status. No explanation has been provided for such an unprecedented action. Ryanair considers that it is already far too late to contemplate such a change for Summer 2007.

In terms of the contents of your consultation paper, Ryanair considers it to be seriously flawed for the following reasons:

1. The CAR has misrepresented the Coordinator's wish list as representing the capacity of Dublin Airport. An examination of the NATS runway capacity analysis shows clearly that there is substantial headroom in terms of runway capacity before delays would exceed the allowable 10 minutes on average, making no allowance for the second runway to be used by small aircraft to further minimise peak period departure or arrival delays. The wish list does not represent the capacity of Dublin Airport, rather the 10 minute average delay criterion has already been adopted by the Coordination Committee. The scheduling limits derived from the wish list were no more than an artificial construct and do not in any way represent the true capacity of Dublin Airport, which would be in excess of this wish list if properly declared within the terms of the Regulation.
2. Whilst Jacobs assert that there is a risk that actual demand at Dublin will exceed this wish list, based on the performance in Summer 2006, there is no evidence put forward that this is likely to happen in Summer 2007. The comments made by Jacobs are pure speculation and cannot therefore form any valid basis for a decision to change the coordination status.
3. The consultation paper gives information from the Coordinator regarding demand and capacity and current "no slots" (excess demand). However, this is presented in terms of seasonal totals and so gives no information about the criticality in specific hours. We note that Table 1 suggests that utilisation exceeds 100% in only 1 hour. Equally, the number and proportion of "no slots" is low and not unusual at this stage in advance of the season. It would be expected that most of these "no slots" would be resolved before the season commences. A level of excess demand at 2 months prior to

the start of the season is normal and would be expected to erode in normal industry practice. If this is the evidence upon which the CAR seeks to rely, to propose a change to coordination status, it is both inadequate and inconclusive.

4. We understand that Jacobs have taken information from the Coordinator and applied it within their VisSim model. Table 3 appears to suggest that 4 additional departures over the three hours 0500/0600/0700 have been included within their modelling. This level of additional movements over three hours would be well within the capacity of a single runway as modelled by NATS, even without taking account of additional capacity offered by the second short runway. That VisSim shows 4 additional movement increasing average delays by 5.3 minutes: this is simply not credible and casts further doubt on the validity of the VisSim model, which Ryanair does not consider to be an industry standard model in the manner of the NATS model or other models such as SIMMOD as widely used in the industry. Ryanair does not believe that the likelihood of "*significant delays*" has been proven and cannot be avoided and our specialist aviation consultants, York Aviation, so confirm.
5. Even assuming the analysis presented was valid, which Ryanair does not accept, a change to the coordination status of Dublin Airport cannot be contemplated without a discussion with the airlines, through the Coordination Committee, to establish whether there are measures which could be taken to reduce delays or congestion such that the CAR could safely conclude that "*there are no possibilities of resolving these problems in the short term*". This has not taken place so any decision made by CAR at this stage will be null and void, notwithstanding the current consultation which is not addressing the critical issues in any event.

To summarise, Ryanair:

- Does not agree that the most recent information indicates an excess of demand over the Summer 2007 wish list;
- Reminds the CAR that the wish list does not itself represent the capacity of Dublin Airport;
- Considers that the evidence that 4 additional departures over 3 hours might give rise to substantial additional delays is unreliable;
- Reminds the CAR that even if demand does exceed the wish list, there is no viable evidence that this will result in increased or unacceptable delays;
- Reminds the CAR that it has failed to consider whether any such alleged capacity problems could be resolved in the short term (which is required in Article 3(5) (b) of the Regulation), as no discussions to this end have taken place with the carriers, nor is analysis presented in specific enough terms to enable that dialogue to take place.

- Rejects the CAR's view that coordination is required at Dublin Airport and any decision to impose coordination would be contrary to the Regulation.

Finally, Ryanair is particularly frustrated at the failure of the CAR to fully and lawfully consider the issue of changing the status of Dublin Airport in light of the lengthy litigation Ryanair had to bring relative to last CAR decision. I might remind you that your appeal against our successful over turning of that decision remains pending. Any attempt to impose a coordination decision now will, on the basis of the inadequacies detailed in this letter and in previous submissions, be challenged.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Callaghan', with a long horizontal flourish extending to the right.

Jim Callaghan

Head of Regulatory Affairs and Company Secretary