

**REPORT**

**to the**

**MINISTER FOR TRANSPORT**

**for the year ended**

**31<sup>st</sup> DECEMBER 2012**

**March 2013**

**Commission for Aviation Regulation**  
**3<sup>rd</sup> Floor**  
**Alexandra House**  
**Earlsfort Terrace**  
**Dublin 2**  
**Tel +353 (0) 1-6611700, Fax +353 (0) 1-6611269**

**e-mail: [info@aviationreg.ie](mailto:info@aviationreg.ie)**  
**[www.aviationreg.ie](http://www.aviationreg.ie)**

# TABLE OF CONTENTS

**FOREWORD ..... 3**

**CHARGES AND SLOT REGULATION ..... 6**

**LICENSING AND APPROVALS ..... 13**

**AIR PASSENGER RIGHTS ..... 18**

**ADMINISTRATIVE AND LEGAL FUNCTIONS ..... 24**

**FINANCIAL INFORMATION ..... 28**

**APPENDIX ..... 33**

## FOREWORD

The Commission for Aviation Regulation (CAR) is an independent public body that sets a price cap on certain aviation charges, licences or otherwise authorises airlines, ground-handlers and the travel trade, and enforces certain air passenger rights.

Our work in 2012 is described in later sections of this report. In this Foreword, I provide a brief commentary on the recent trend in the office's costs, the enforcement of air passenger rights and the main challenges for the office in 2013.

The state of the Irish aviation industry remained generally subdued in 2012. A very gradual recovery in annual passenger traffic continued at Dublin airport (up 2 per cent to 19.1 million). Overall aircraft movements rose marginally (up 0.3 per cent), reflecting a small rise at Dublin almost offset by a decline in Cork and a larger decline in Shannon. The larger airlines licensed by the Commission reported positive and in some cases increasing profitability in 2012. The finances of a number of the smaller carriers continued to be weak. In the travel trade, the licensable turnover of travel agents and tour operators rose by almost 7%, compared with a year earlier, to €1.1 billion.

**Figure 1.1: Commission for Aviation Regulation expenditure 2002 - 2012**



Expenditure by the Commission is paid for by the aviation industry; evidence that financial control is a priority may be seen from the fact that estimated<sup>1</sup> total expenditure in 2012 was almost 35% lower than in 2006, as the chart shows. In

<sup>1</sup> Figures are audited for all years except 2012, which are in draft form. The table distinguishes core expenditures over which the Commission has greater control from those responding to others' actions e.g. defending legal challenges, dealing with a travel firm's collapse, and the cost of the slot scheduling regime.

2012, our core costs continued their downward trend, falling by another 5%. Our budget for 2013 is €2.9 million, a decline of €0.65 million on the 2012 budget.

Although the Commission has a staff ceiling of 18, we currently operate with 15 persons, while we seek to fill a number of vacancies. Reorganisation, staff flexibility, moving administrative functions online, and fewer legal challenges have allowed us to meet our responsibilities to date with reduced resources.

In recent years, tighter control by central government has been successful in reducing public spending. A promising avenue for finding the additional efficiencies still required would now be to set, at least on a trial basis, rigorous performance indicators for public bodies, along with the full restoration of managerial autonomy, with managers then periodically held to account for their performance.

A summary of the work we carried out in 2012: we responded to an Appeal Panel set up by the Minister for Transport to consider an Irish Aviation Authority (IAA) appeal concerning the service quality and pension costs treatment in the price cap on the IAA's terminal services charges. No change was made to the price cap. We also published quarterly reports on service quality measures for the Dublin Airport Authority (DAA) and IAA, and consulted on aspects of the price regulatory regime. In the licensing areas, we renewed 280 travel trade licences, ensuring that their customers would if necessary be refunded or repatriated. We established that 60 airlines and ground handlers satisfy ownership and business requirements, including financial fitness and insurance cover. We also responded to more than 3,000 air passenger queries, and investigated some 500 eligible passenger complaints.

To improve the accountability of public bodies, the government in 2009 required that they collect and publish key performance indicators (KPIs), which the Commission started to do in 2011. Our KPIs are intended to set a challenging but generally achievable target for our work. Full results of all nineteen KPIs for 2012 and the comparatives for 2011 are reported in the appendix to this report.

One area of work where our performance in 2011 was below what we would normally find acceptable was enforcement of air passenger rights. Special factors undoubtedly played a role, including a spike in complaints prompted by airspace disruptions, and delays incurred while legal appeals were considered by the European Court of Justice. The 2012 results (see table below) record a marked improvement: the Commission concluded more than three-quarters of investigation into passenger complaints within three months of the receipt of the complaint.

**Table 1.1: Performance indicators for consumer protection, 2012 v. 2011**

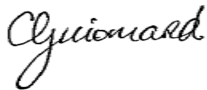
Consumer protection KPIs	2012	2011
Review complaints within 1 week	86%	65%
Complete investigations within 3 months*	77%	31%
Complete investigations within 7 months*	87%	50%
Inspect airports	8	9

\*The KPI figures are lagged, to allow performance to be measured over subsequent months; 2011 numbers cover the January-July period, and 2012 numbers cover August 2011-June 2012.

Nonetheless, a factor in the time required is also the degree of cooperation received from airlines. The majority of airlines now cooperate fully during the complaint handling process (such that only complex cases or cases contingent on pending case-law are protracted). Unfortunately, in recent years Commission has had to engage at length on numerous occasions with American Airlines, Aer Lingus and Turkish Airlines to resolve cases which we believe should have been straightforward. At the beginning of 2012, many investigations that had taken longer than they should have to conclude concerned these airlines. Some improvement was observed in the second half of 2012. We continue to seek further improvements from these air carriers.

The main challenges for the Commission in 2013 will include working with both of the Department of Transport, Tourism and Sport and the IAA to integrate aviation regulation in Ireland. The Minister for Transport has also launched a review of aviation policy to commence in 2013. Inter alia, this will offer an opportunity to interested parties to suggest any changes they would like to see in the statutory roles of the Commission. At EU level, work continues on the 'airport package', a body of new or revised regulations dealing with noise abatement (which is not a Commission responsibility), rules on allocating airport slots and those governing ground-handling services at airports. In that regard, we await finalisation of the EU package to understand any implications for the office. Closer to home, the Commission will begin consultations leading to the next Dublin airport price cap determination in 2014.

At the end of 2012, two colleagues returned to the Department of Transport at the end of their period of secondment, and I would like to thank them for their work at the Commission. I also wish to offer my personal thanks to my other colleagues for their commitment and enthusiasm.



Cathal Guiomard  
Commissioner

## CHARGES AND SLOT REGULATION

### The Commission's Role

The Commission:

- sets a price cap limiting the total revenues per passenger that the DAA can collect from airport charges at Dublin airport;
- sets a price cap limiting the total revenues that the IAA can collect from aviation terminal service charges at Dublin, Cork and Shannon airports;
- has to approve charges airports levy on airlines to fund services for passengers with reduced mobility;
- has to approve any changes to the fees charged by the airport authorities at Dublin, Cork and Shannon airports for access to installations needed to provide ground-handling services; and
- designates the scheduling status of Irish airports under the Slot Allocation Regulations, appointing a schedules facilitator or co-ordinator where necessary.

The Commission has no power to regulate other charges, including:

- en route air traffic control charges the IAA sets; and
- car-park charges at airports, and more generally non-aeronautical charges (except those levied for access to installations needed for ground-handling services at Dublin, Cork and Shannon airports).

For most of 2012, work relating to charges and slots regulation could focus on longer term projects rather than the immediacy of making a determination setting a price cap. Late in the year, we had to address an Appeal Panel referral relating to our 2011 determination governing aviation terminal service charges.

### Airport Charges

Our commitment to complete a review of the regulatory treatment of revenues and costs of non-aeronautical services at Dublin airport was completed in 2012. This was a project concerning the regulatory till that we had indicated we would undertake at the time of the 2009 Determination, given both the DAA and Ryanair had expressed an interest in changes to the existing approach.

We published two papers on the topic in 2012. In April we issued a consultation paper that set out our position as generally in support of retaining a single-till approach to regulation, i.e. having regard to net commercial revenues when setting a price cap for airport charges. At the same time, we indicated a willingness to consider refinements in instances where the DAA wanted to proceed with an investment in a commercial activity for which users had serious reservations. Aer Lingus, Airports Council International, the DAA and IATA all responded to our consultation paper. We met with Aer Lingus and the DAA to discuss their responses.

In December we published a final paper on the topic setting out guidelines on our proposed regulatory treatment of future commercial investments at Dublin airport. The guidelines address situations where users may dispute the business case for a proposed commercial investment by the DAA. They allow users and the DAA to agree to disagree about a given investment's commercial prospects without either party feeling obliged to convince the regulator to adopt their view. Instead, the DAA would have incentives to make the investment, knowing that it would bear the risks (retaining any profits that might accrue, but also underwriting any losses).

This year, we will commence consultations leading to the next price cap determination. We are working to the timetable shown in the table below, with a plan to publish the final determination in September 2014. Any changes to this timetable will be shown on our website, which will maintain an up-to-date timetable.

**Table 2.1: Timetable for Next Airport Charges Determination**

May 2013	DAA's 2012 regulatory accounts and capex out-turn data submitted to the Commission
July 2013	Commission publishes Issues Paper
September 2013	Deadline for responses to Issues Paper
September 2013	DAA to provide Regulatory Proposition
November 2013	Deadline for comments on DAA's Regulatory Proposition
May 2014	Commission publishes Draft Determination
July 2014	Deadline for responses to the Draft Determination
September 2014	Commission publishes Final Determination

## Aviation Terminal Service Charges

In August 2012 we were notified that the Minister had established an appeal panel to review our Determination governing the level of aviation terminal service charges that the IAA may levy at Cork, Dublin and Shannon. The Panel was tasked with considering an appeal by the IAA concerning the proposed quality of service regime and the treatment of pension costs.

As with previous appeal panels set up to review Commission determinations, we provided information that the Panel sought but refrained from acting as a respondent during the appeal. The Panel referred the Determination back to the Commission for review in respect of its treatment of pension costs, but otherwise rejected the other grounds raised by the IAA.

We received the referral in November. We published a consultation paper inviting comments on the appeal from interested parties. Two responded by the deadline, Aer Lingus and the IAA. In January 2013 we published our decision, affirming our 2011 Determination.

## Regulatory Monitoring

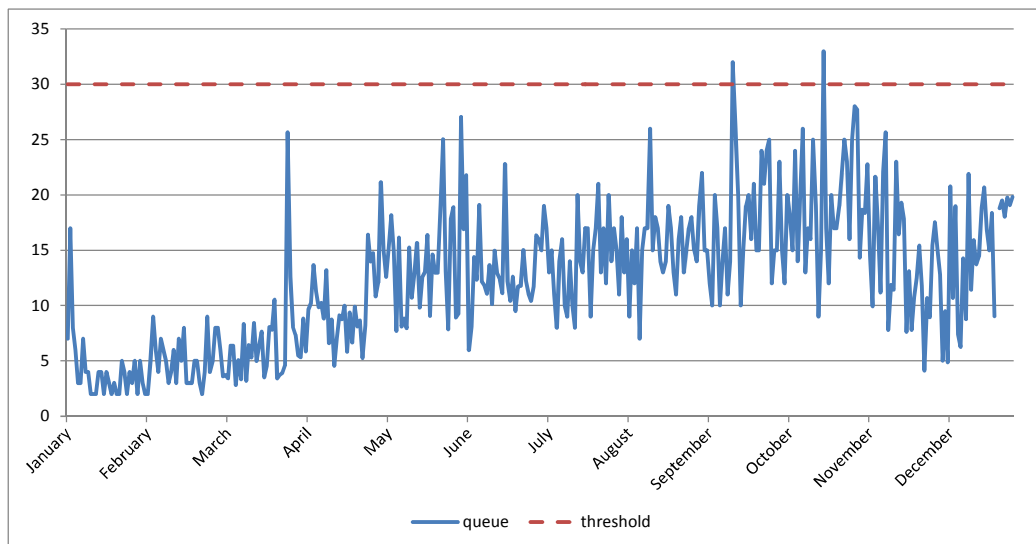
The Commission produced quarterly reports in 2012 giving the quality of service results for various measures that affect the price cap calculations for both the DAA and the IAA.

The DAA has a financial incentive to meet specified targets for twelve measures of service quality in the monitoring scheme, including measures relating to security queue times, baggage-belt availability and various passenger survey results.

In 2012 we received correspondence from users expressing dissatisfaction with the length of security queues, particularly in terminal one. We met with members of the Airport Operators Committee to discuss their concerns. We also arranged an audit of the automated system adopted by the DAA in March to report queue lengths. The audit led us to request that the DAA refine the way it converted the raw data into reported queue times. The chart below shows the results for the longest daily passenger security queue time at Dublin airport in 2012. On two occasions, there was a breach of the 30-minute target. More generally, the recorded times show an increase in the maximum daily security queues during the year, before falling back in the last two months.



Figure 2.1: Dublin Airport’s Longest Measured Security Queue Each Day, 2012



Source: DAA

For other quality of service measures at Dublin airport the trend was generally positive. In the fourth quarter of 2011, the DAA failed to meet the target for passenger satisfaction with Internet Access and WiFi, but its subsequent actions appear to have addressed these concerns as it has since comfortably exceeded the target for this measure of service quality.

The effect of the three breaches of quality of service targets (two relating to security queues, one to satisfaction with Internet Access and WiFi) will be to reduce the revenues that the DAA can collect from airport charges by more than €300,000.

The IAA met its service-quality targets.

### Regulated Price Caps and Approved Charges

Table 2.2: Summary of Regulated Price Caps<sup>2</sup>

Type of price cap	2013 price cap
Airport charges at Dublin airport	Should not exceed €10.67 per passenger
Aviation terminal services charges (ATSCs) at Dublin, Cork and Shannon airports	Should not exceed €153.72 per terminal service unit

<sup>2</sup> Assuming that all service-quality targets are met.

In 2012 we did not receive any applications from the relevant airport managing bodies for approval of charges in relation to 'access to airport installations' (also known as ATI charges) at Dublin, Cork or Shannon airports. The levels of charges that have previously been approved, updating for inflation where appropriate, are given below.

**Table 2.3: Summary of Approved Charges**

Type of access charge (ATI)	Approved ATI charges as of 1 January 2013
Dublin Airport annual check-in desk fee Flexible hourly rental check-in desk	Annual fee: €25,606 per desk per annum Rental: €31 per hour (or part thereof)
Shannon Airport annual check-in desk fee Flexible hourly rental check-in desk	Annual fee: €9,215 per desk per annum Rental: €23 per hour (or part thereof)
Cork Airport annual check-in desk fee Flexible half-hourly rental check-in desk	Annual fee: €13,343 per desk per annum Rental: €5.34 per half hour (or part thereof)
CUTE <sup>3</sup> fees at Shannon Airport	€0.30 per embarking passenger
CUTE fees at Cork Airport	€0.24 per embarking passenger

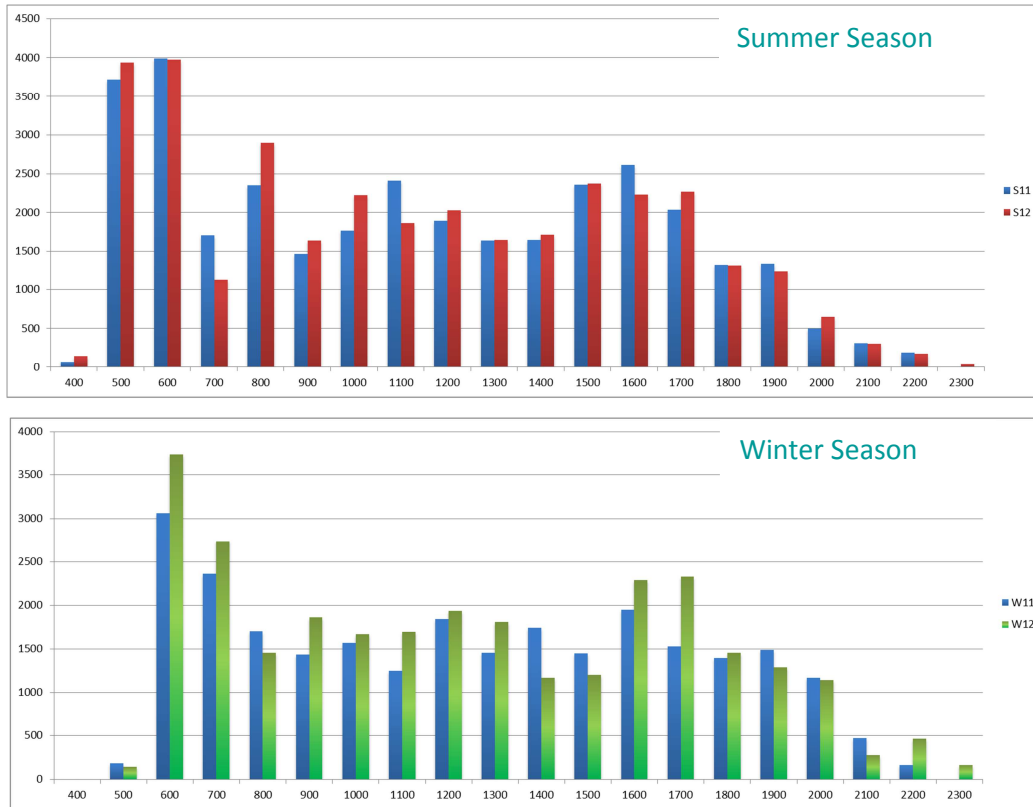
## Slot Allocation

Dublin airport remains the only slot-coordinated airport in Ireland. The Commission designated it as slot co-ordinated in February 2007. Day-to-day responsibility for slot coordination at Dublin airport rests with Airport Coordination Limited (ACL), whose contract as airport coordinator was renewed in March 2011 for another five years. ACL interacts daily with air carriers as well as attending bi-annual meetings at Dublin airport. The Commission also attends these meetings.

Demand in the peak hours, particularly in the winter season, was markedly up on the preceding year.

<sup>3</sup> Common Usage Terminal Equipment.

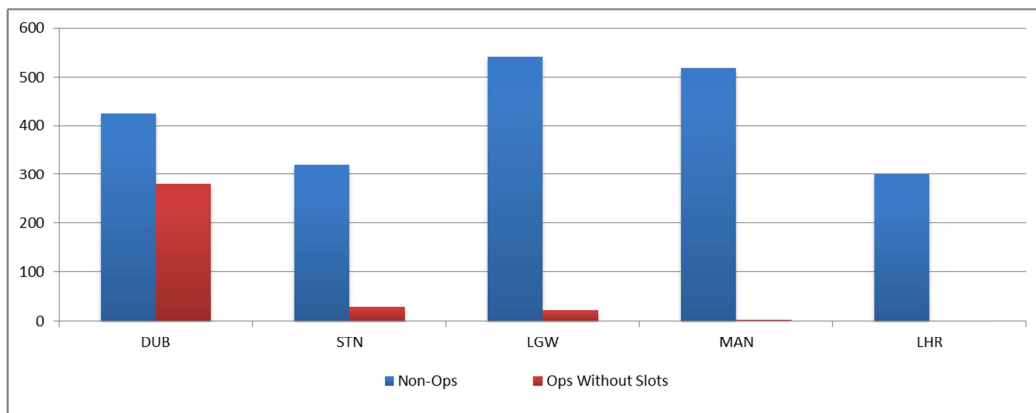
Figure 2.2: Dublin Airport Passenger Demand across the Day, 2012 v. 2011



Source: ACL Note: The Winter 2012 season runs from October 2012 to March 2013.

Dublin airport continued to experience more instances of operations without a slot than four UK airports, as shown in the chart below. Unlike the UK, Ireland does not have a formal slot sanctions regime with penalties on parties that break the rules. Instead currently the co-ordinator can only “take back” or not re-allocate grandfathered slots to carriers that break the allocation rules.

Figure 2.3: Non-operation of a Slot and Operations without a Slot – Summer 2012



Source: ACL

### Work Programme for 2013

Goal	Actions to achieve goal
Commence work on the next determination governing airport charges at Dublin airport	Publish an Issues Paper
Advise on possible changes to the slots regime	Provide advice as requested on introducing a sanctions regime Provide advice as requested on the better airports package as it relates to slots regulations
Monitor compliance with existing price caps and ensure continued smooth operation of the current scheduling regime at Dublin airport	Publish quarterly reports on service quality measures for the DAA and IAA Attend Dublin Airport Co-ordination Committee meetings and liaise with ACL

## LICENSING AND APPROVALS

### The Commission's Role

#### The Commission

- licenses Irish-based air carriers transporting passengers, mail or cargo for remuneration and/or hire;
- licenses travel agents and tour operators selling overseas travel;
- administers a bonding scheme for travel agents and tour operators, and processes claims for refunds and repatriation in the event of a travel agent or tour operator going out of business;
- investigates instances of alleged illegal trading and, when necessary, prosecutes illegal traders; and
- grants approvals to companies engaged in groundhandling activities, such as marshalling aircraft, loading/unloading, refuelling, baggage handling, passenger handling and aircraft maintenance, at Dublin, Cork and Shannon airports.

#### The Commission's role does not encompass:

- safety regulation, which is a function of the IAA;
- licensing travel arrangements for domestic travel in Ireland;
- handling consumer complaints about travel agents, tour operators, hotels, luggage or airlines;
- handling complaints about advertising (except where it relates to possible illegal trading).

The Commission continued to administer the licensing and approval regimes for air carriers, groundhandlers and travel trade firms in Ireland. As shown in table 3.1 below, there was no change in 2012 in the overall number of approved groundhandlers, although the figures for licensed travel firms and air carriers decreased marginally.

**Table 3.1: Number of Commission Licences and Approvals**

	Air Carriers	Ground-handlers		Travel Agents	Tour Operators
		Self-handlers	Third Party		
<b>Licence holders, 1 Jan 2012</b>	<b>15</b>	<b>12</b>	<b>36</b>	<b>223</b>	<b>53<sup>4</sup></b>
New licences/approvals	1	0	1	10	4
Licences revoked/surrendered	2	0	1	13	4
<b>Licence holders, 31 Dec 2012</b>	<b>14</b>	<b>12</b>	<b>36</b>	<b>220</b>	<b>53</b>

Source: Commission

<sup>4</sup> An incorrect figure of 63 was given in last year's report.

## Air Carrier Licensing

At the end of 2012, 14 airlines held licences from the Commission. Throughout the year, licence holders were monitored for compliance with the legislation concerning insurance cover, ownership and control and financial fitness. Small aircraft and helicopter operators were issued with licence discs to display in each of the aircraft listed on their Air Operator's Certificates. We approved six requests from Irish airlines to wet lease aircraft registered outside the European Union.

The number of licensed air carriers at the end of 2012 was one lower than a year earlier. There were two new applications for an operating licence; in one case a licence was issued and in the other, the application remained under consideration at the end of 2012. The Commission revoked one operating licence, following the company's failure to meet the relevant requirements. Another operator voluntarily surrendered its operating licence citing economic reasons. Licences are subject to a review two years after they are first granted. In 2012, one such review took place. There was no change to the licence.

We continued to monitor the financial situation of air carriers. One airline was financially restructured in late 2012. This involved a change in ownership, which was examined in terms of the ownership and control requirements of the airline licensing regulations. At the end of 2012, this review was in progress with a final decision expected in 2013.

The Commission examined changes in the ownership of two other licence holders. In both cases, we were satisfied that the relevant ownership and control requirements continued to be met.

Since late 2011, applications for an operating licence may be made online. The Commission received two such applications in 2012. We published a user guide on registering to use the online application system, and we are developing other materials to assist online applications.

## Groundhandling Approvals

At end-2012, 48 companies were approved by the Commission to provide groundhandling services at Dublin, Cork and Shannon airports. These companies are engaged in activities such as marshalling of aircraft, loading/unloading aircraft, refuelling, baggage and passenger handling and aircraft maintenance. Figure 3.1 below presents an analysis of the types of groundhandling service offered at each airport.

Twelve of the 48 companies are approved for self-handling (where an airline provides its own groundhandling services) and 36 for third party handling. Four have a dual role, engaging in both self-handling and third party handling.

Figure 3.1: Approved Suppliers of Ground Handling Services by Activity, 2012



Source: Commission

Approvals are issued for a period of five years. The Commission renewed five approvals in 2012. One was surrendered by a third party holder no longer engaged in the activity, and one new approval was granted.

The European Commission’s ‘Airport Package’ included proposals for a new Groundhandling Regulation. We provided comments on draft legislation as required. In December 2012, the European Parliament rejected the text of the proposed Regulation and referred it back to the European Parliament’s Transport Committee for further discussion.

### Travel Trade Licensing

The Commission granted licences to 273 travel firms in 2012. There was a small decrease (3) in the number of travel agents while tour operator numbers were unchanged. 2012 was the second successive second year in which no licensed firms went out of business, so we did not need to administer refunds or organise repatriations.

The Commission records and publishes certain performance indicators, including in regard to our licensing work. Part of our travel trade licensing work involves issuing a letter to applicants advising them to proceed to seek a bond; we call this a decision-in-principle letter. We aim to issue such letters within one month of receipt of a completed application. In 2011, we met our target for 81% of applications, but in 2012 that proportion fell to 46%. Reasons included reduced staffing and additional

scrutiny of applications prior to issuing such letters. However, we made up time later in the process such that all eligible 2012 applicants received their licences prior to the licence renewal date.

We received 18 complaints concerning possible unlicensed trading. In 3 cases no further action was required. Of the remaining 15 cases, we are engaging with these entities to establish if any unlicensed activity has taken place and what action is required to be taken in each case.

Forty eight licence holders have now availed of the exemption from producing audited accounts.

We visited the business premises of 42 licence holders in 2012, to establish that they were keeping necessary records and otherwise were in compliance with legal requirements.

The final report of the liquidator of Fáilte Travel Ltd is awaited. Separately, the Commission has commenced legal proceedings to seek payment of a bond, issued to Portlaoise Travel Ltd, against the bank that provided the bond. The Commission is also defending an action by a travel agent seeking to recover monies expended following its taking over the bookings of customers affected by another firm's going out of business. Finally, Manorcastle Ltd, formerly trading as United Travel, has failed to discharge two awards of costs made against it by the High Court in favour of the Commission, amounting to €140,927. This amount has been written off as a bad debt in our 2012 Financial Statements.

The Travellers Protection Fund is used where the bonds provided by tour operators and travel agents fail to cover the full costs of repatriations, refunds to customers and administration costs of the Commission in the processing of claims. The balance in the account at end-2012 was €5,146,054.

Tour operators are required to provide bonds of 10% of their projected licensable turnover (PLTO) each year. Travel agents are required to do likewise at a rate of 4%. The table below gives the value of bonds and PLTO for 2012 and 2011.

**Table 3.2: Projected licensable turnover and total bonding of travel industry, 2012**

Licensed entities	Change in Bond value	2012	2012	2011	2011
	€m	€m	€m	€m	€m
		Bond	PLTO	Bond	PLTO
Tour Operators	1.1	20.0	200.0	18.9	189.6
Travel Agents	3.3	37.3	933.6	34.0	851.6
Totals	4.4	57.3	1133.6	52.9	1,041.2



The turnover shown above does not include the amounts expected from the non-licensable parts of travel businesses.

### Work Programme for 2013

Goal	Actions to achieve goal
Continue to administer the licensing and approvals regimes for air carriers, ground handlers and travel trade firms	Process applications in a timely manner and monitor compliance by existing licence holders  Process claims for refunds and repatriations, where required  Investigate reports of unlicensed travel trading
EC Proposal for a revised Regulation on Groundhandling	Continue to monitor developments  Provide advice and attend meetings as required

## AIR PASSENGER RIGHTS

### The Commission's Role

For all flights due to depart from Irish airports and for flights arriving into Irish airports from non-EU countries (provided they were operated by EU-licensed air carriers) we are responsible for investigating complaints in relation to:

- flight cancellations;
- flight delays of at least two hours; and
- instances of denied boarding or downgrades.

We also investigate complaints relating to the assistance received by disabled persons and persons with reduced mobility (PRMs) when:

- making a reservation;
- travelling through an airport within Ireland; and
- on board a flight which departed from an Irish airport.

We do not have the authority to handle complaints about:

- baggage, taxes and airline charges, including fuel surcharges;
- booking or ticketing errors and visa issues;
- refunds due to illness or bereavement;
- false advertising;
- on-board services or in-flight issues;
- late arrivals at check-in;
- airline booking conditions and website problems; and
- safety issues.

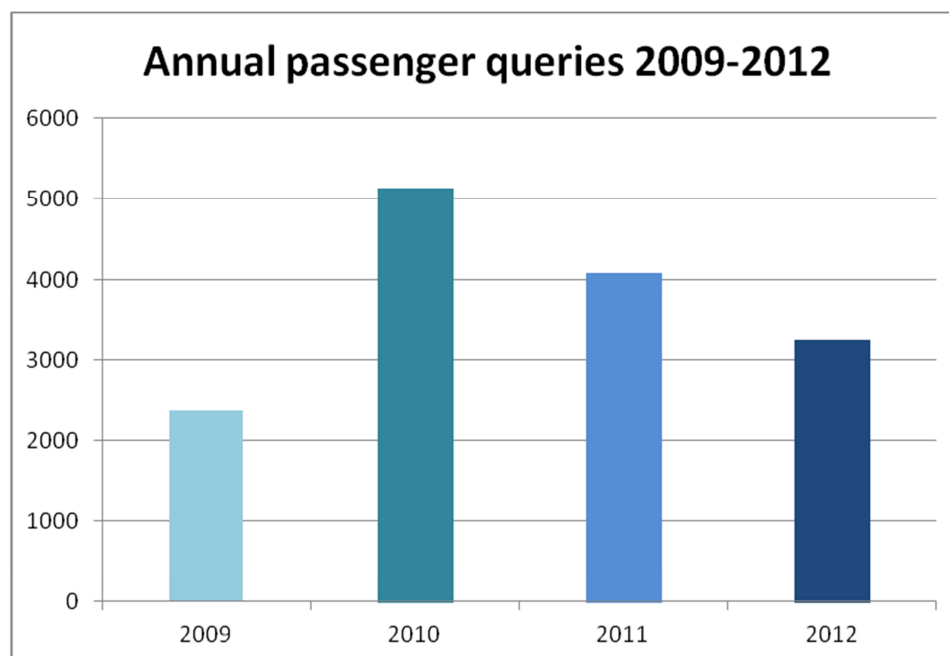
### Passenger Complaints

In 2012 the Commission received 3,272 queries from the public. This represents a decrease of approximately 20 per cent from the 2011 level of 4,105.

Each of the 3,272 queries received in 2012 was examined for a possible infringement of the air passenger rights regulations. We concluded that 2,449 queries related to matters outside the Commission's responsibilities. In these cases, we engaged with the individual and referred them to the body or authority competent to deal with their complaint (where known). 807 queries indicated a possible breach of the Regulation and were then treated as eligible complaints. (The remaining 16 queries related to persons with reduced mobility.)

As the chart below shows, the number of queries in 2012 remained above the level in 2009, despite falling back from the highs of 2010 and 2011.

Figure 4.1: Passenger Queries Received 2009-12



Source: Commission

### Cancellations, Delays, Denied Boarding and Downgrades

Of the 807 eligible complaints received, most concerned cancellations and delays, rather than denied boarding or downgrades, as the table below shows. Almost 37% concerned flights departing from airports in other Member States or flights arriving into other Member States from third countries (e.g. the USA) operated by Community-licensed carriers. We forwarded these complaints on to the competent national enforcement body (NEB) for further investigation, having conducted a preliminary screening to satisfy ourselves that they fell within the remit of the air passenger rights regulations.

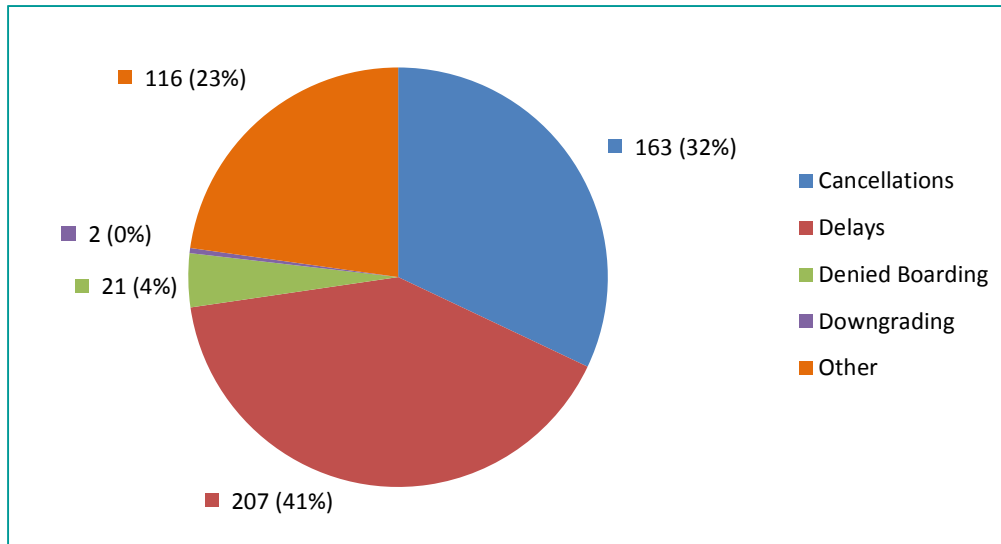
Table 4.1: Breakdown of eligible Air Passenger Rights Complaints in 2012

Type of Complaint	CAR	Other NEB	Total	%
Cancellation	163	81	244	30
Long delay	207	150	357	44
Denied boarding	21	25	46	6
Downgrade	2	0	2	1
Other	116	42	158	19
<b>Total</b>	<b>509</b>	<b>298</b>	<b>807</b>	<b>100</b>

2012 was the first year in which the great majority of complaints related to delayed flights. This may be indicative of growing public awareness of the passenger rights regime and the 2009 EU Court of Justice (CJEU) ruling in the joined cases of Sturgeon & Bock which held that passengers who arrive at their

final destination three hours or more hours after their scheduled arrival time<sup>5</sup> are entitled to compensation unless the air carrier can prove that an exemption should apply<sup>6</sup>.

**Figure 4.2: Type of Air Passenger Rights Complaints Investigated in 2012**



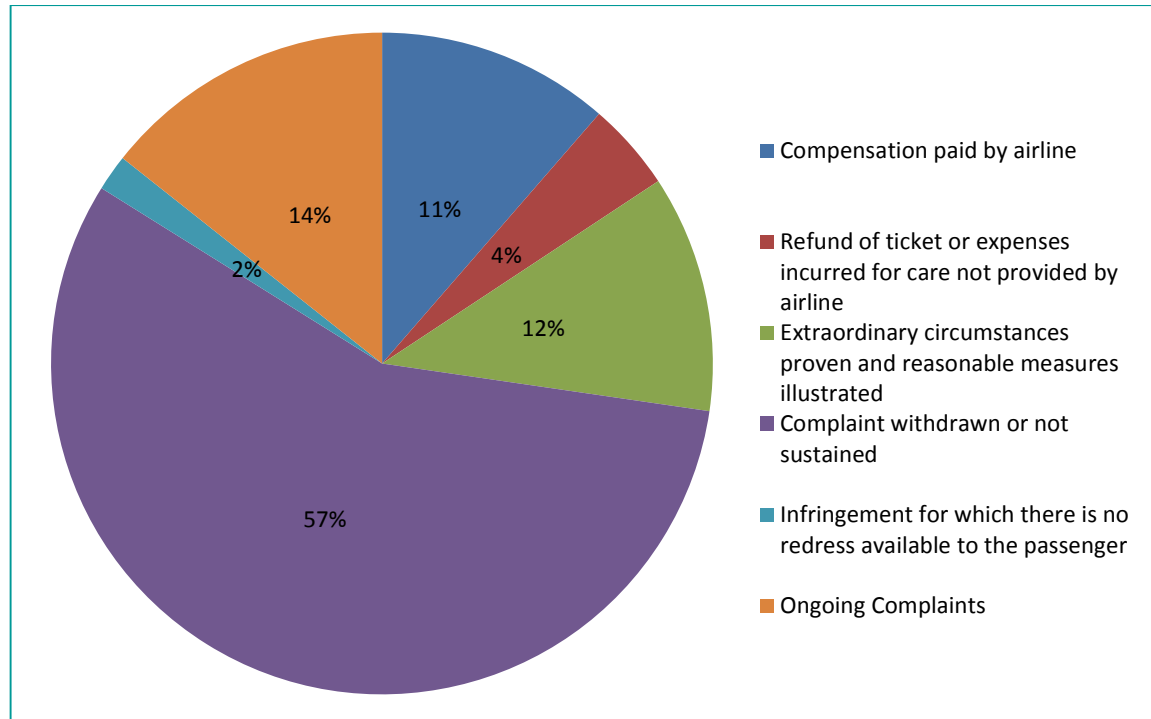
Source: Commission

Five hundred and nine complaints fell to be investigated by the Commission. The outcomes of these complaints (as of mid-February 2013) are presented in Figure 4.3. The Commission has concluded 436 investigations, while 73 are still in progress. In 297 cases, the complaint was found to be unsustainable under the Regulation, was withdrawn by the passenger, or related to an infringement for which there was no redress available to the passenger. In 59 cases, extraordinary circumstances were found to apply and reasonable avoidance measures taken by the airline. In 58 cases, compensation was paid to the passenger, and in 22 further cases the customer received a refund of the cost of their ticket and/or their expenses were reimbursed.

In terms of earlier years' complaints, all bar one of the 264 complaints received in 2010 have now been resolved. At the end of 2011, 222 of the 626 complaints received that year were outstanding. Two hundred and eight of these have now also been concluded, which brings the total number of cases completed in 2012 to 747. Resolution of many of the older complaints was held up while a decision in respect of the right to compensation in delay cases was awaited from the CJEU.

<sup>5</sup> On account of a delay.

<sup>6</sup> The 2009 ruling was subsequently challenged by air carriers in the TUI Travel case. The CJEU's subsequent judgment of October 2012 confirmed the original Sturgeon & Bock ruling.

**Figure 4.3: Outcomes of Air Passenger Rights Complaints investigated in 2012**

Source: Commission

Table 4.2 below compares the outcomes for the years 2010-2012.

**Table 4.2: 2012 Complaints Resulting in Refunds, Reimbursement or Compensation**

Resolution	2012	2011	2010
Compensation paid by airline to passenger	58	18	5
Compensation not due – airline demonstrated exceptional circumstances and that it had taken all reasonable measures to avoid delay or cancellation	80	252	11
Airline refunded the cost of the ticket and/or reimbursed expenses	27	183	28

Source: Commission

### Persons with Reduced Mobility

During 2012, the Commission received 16 queries relating to persons with reduced mobility. Seven of these concerned pre-booking issues but did not constitute possible infringements of the Regulation. The remaining 9 were valid complaints that related to assistance either:

- At the time of booking;
- From the airport management body at the airport;
- On-board the aircraft from the air carrier.

Four of these complaints were appropriate to NEBs in other Member States and were forwarded for investigation once preliminary reviews were completed. Three complaints fell within the remit of the Commission and were duly investigated and concluded. No infringements of the Regulation were found in any of the cases. The remaining two complaints required joint investigation by both the Commission and another NEB. In both instances the Commission has concluded its part of the investigations and the cases currently rest with other NEBs.

### **Industry response to passenger complaints**

The Commission has now been enforcing the passenger rights regime for 8 years. During this period, we have engaged extensively with airlines to ensure they have a clear understanding of the obligations on them, that passenger rights are implemented at the time of disruption insofar as possible and where that is not possible and complaints ensue, that these are responded to comprehensively and in the manner envisaged by the legislation.

We have observed that some air carrier's complaint-handling is more effective than others. The benefits of a passenger rights regime where all parties have a clear understanding of their obligations are greater compliance in the event of a flight disruption and better handling of any complaints that subsequently arise. In turn this helps the reputation of the airline as well as lowering our and, we believe, their costs.

The Commission's engagement with the industry has evolved significantly from the initial days when air carriers often strongly resisted the air passenger rights regime and the flow of information from carriers to the Commission regarding complaints was slow and laboured. Nowadays, the majority of airlines with whom we engage cooperate fully during the complaint handling process such that only complex cases or cases contingent on pending case-law are protracted.

Unfortunately, not all air carriers have fully cooperated with the legislation and in recent years the Commission has had to engage at length on numerous occasions with American Airlines, Aer Lingus and Turkish Airlines to resolve cases we believed straightforward. At the beginning of 2012, the majority of investigations that had taken longer to conclude than they should have concerned these airlines. Some improvement was observed in the second half of 2012. We continue to seek further improvements from these air carriers; however, additional enforcement action may be necessary if the requisite standard is not reached and maintained over the coming months.

### **Other work**

Aside from handling enquiries and complaints, in 2012 the Commission continued to seek to raise consumer awareness about passenger rights. We again hosted an information stand at the 2012 Holiday World Fair in Dublin and we participated at the second annual Air Passenger Rights Day event which took place at Dublin Airport in July.

We also undertook eight airport inspections to ensure that

- air carriers were complying with the air passenger regulations; and
- airport management bodies were meeting their obligations to passengers with disabilities and reduced mobility.

The Commission also continued to engage with the EU and other NEBs to facilitate a harmonised approach to the application of the regulations. In 2012 we assisted with the drafting and completion of the 'Interpretative Guidelines on the application of Regulation 1107' and at the request of the European Commission, we also participated in a Working Group tasked with examining the 'extraordinary circumstances' provision of Regulation 261 in light of the expected recast of this legislation.

### Work Programme for 2013

Goal	Actions to achieve goal
Ensure compliance with EU laws concerning passenger rights	Investigate complaints received Inspect airports
Increase public understanding of air passenger rights issues	Provide information at suitable industry events and through our website
Develop guidelines for the correct implementation of the 'extraordinary circumstances' provision and collate a comprehensive list of recognised and agreed examples	Actively participate and contribute to the work of the EU Working Group

## ADMINISTRATIVE AND LEGAL FUNCTIONS

### Human Resources

In 2012, the Commission had an average (full-time equivalent) of 15 staff, compared with an allowance under the employment control framework rules of 18 positions. We recruited one new economist and filled two positions through redeployment. Two persons on secondment from the Department of Transport, Tourism and Sport returned to the Department upon the expiration of their terms of secondment at the end of 2012, and one seconded from the Road Safety Authority transferred to the Commission. We hope to fill two vacancies in 2013.

Staff members are paid at rates directly linked with Civil Service posts and sanctioned by the Department of Finance.

The salary and pension costs of the member of the Commission amounted to €199,210 in 2012. No other benefit was provided.

The Commission operates two superannuation schemes, established as required under the Aviation Regulation Act 2001. An actuarial review of the pension liabilities shows that, under FRS17 rules, the 2011 scheme deficit of €252,733 declined to €42,513 at the end of 2012. The Commission expects to contribute €102,643 to the pension fund in 2013. The Commission's pension schemes have not yet received full approval from the Departments of Transport, Tourism and Sport and Finance. This state of affairs is of serious concern to management and staff of the office and its external audit committee as well as the Trustees of the pension fund.

### Administrative Obligations

The Commission strives to comply with the relevant provisions of the Code of Practice for the Governance of State Bodies. Due to the nature of its activities and the small number of staff, certain aspects of the Code are not applicable. Further information on how the Commission has complied with the Code is provided in the rest of this section.

The Commission consumed 1,849 kilowatts of energy in 2012 compared with 2,134 in 2011.

### Transparency and Freedom of Information

The CAR carries out its functions as transparently as possible. Consultation papers, notices, supporting documents, responses from stakeholders and regulatory decisions are published on our website [www.aviationreg.ie](http://www.aviationreg.ie). The Commission's list of documents published in 2012 is included in the appendix. The Commission has published details of purchase orders on a quarterly basis in excess of €20,000 on its website commencing with March 2012.



There were no requests made under the Freedom of Information legislation in 2012.

### Litigation

In February 2012, a sum of €205,134.42 was paid over to the Commission by Ryanair in settlement of the Commission’s legal costs arising from the following three cases:

- (i) Judicial Review of the 2005 decision to designate Dublin airport as coordinated.
- (ii) Judicial Review of the 2007 decision to designate Dublin airport as coordinated.
- (iii) The Judicial Review of the Interim Review of the 2005 Airport Charges Determination.

### Audit Committee

The Audit Committee met 4 times in 2012. At each meeting, the Committee was briefed in detail on the work of the CAR. The Commissioner attended some or all of these meetings. Staff of the CAR and representatives from the Internal Auditors attended meetings from time to time. In 2012, the areas under review consisted of:

- The risk register
- Internal financial controls
- The code of practice for the governance of state bodies.

The Audit Committee was satisfied with the CAR’s arrangements in these areas.

Commission Code of Conduct	The Commission has a Code of Conduct for its employees. The <i>Civil Service Codes of Standards and Behaviour</i> applies to staff seconded from the Department of Transport.
Internal Audit	The Commission appoints a firm of auditors to undertake its internal audit function. The internal auditor operates under the guidance of an external Audit Committee. In 2012, D’Arcy Lynch conducted audits of website security, the implementation of past audit recommendations, a financial transactions review and a review of our Statement of Internal Financial Controls. These reports were reviewed by the Commissioner, senior management and the Audit Committee.
Procurement	The Commission’s procurement procedures comply with national and, where applicable, EU guidelines and directives. The value of the majority of the contracts is such that national guidelines tend to apply. The Commission developed a procurement plan in 2012, setting out the areas in which it expects to tender for services.

Disposal of assets and access to assets by third parties	The Commission has no assets of the scale and value envisaged under the guidelines (€150,000). No asset disposals took place during 2012.
Diversification	The Commission did not make any diversification proposals to the Minister in 2012.
Investment appraisal	The Commission did not incur any capital expenditure in 2012 that came within the scope of the activities envisaged in the Department's 2005 <i>Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector</i> . It has reported ICT expenditure to the Department of Public Expenditure and Reform as required.
Remuneration of senior management and directors' fees	Please see the <i>Human Resources</i> section of this chapter for information on this area. There are no directors and fees do not apply.
Reporting arrangements	<p>The Commission prepares reports to the Minister for Transport as required. The Commission has a fully developed accounting system, providing detailed monthly management and financial reports to senior management. The Commission adopts International Reporting Standards for its reporting. It computes its accounts on the accrual accounting system except where specified in the notes to the financial statements. These statements are audited by the Comptroller and Auditor General.</p> <p>The Commission has measures in place to comply with the obligation to keep proper books of account. These are kept at its sole office.</p>
Strategic and corporate planning	<p>The Commission's functions and responsibilities are set out in the Aviation Act 2001, the State Airports Act 2004 and the Aviation Act 2006.</p> <p>The Commission annually sets out a work plan for each functional area designed to satisfy its objectives and statutory obligations. The Commission reports annually to the Minister for Transport on the manner in which these functions have been discharged in the previous year.</p> <p>The Commission has not prepared a five year strategic plan, by agreement with the Department of Transport following the October 2009 government announcement that the Commission would merge with the National Transport Authority. More recently, the Government's November 2011 <i>Public Sector Reform Plan</i> announced that it would merge a part the IAA with the Commission in 2012. This was revised by government in 2012 to a new date of December 2014.</p>
Tax compliance	The Commission is liable to PAYE, VAT and PSWT. The Commission has submitted all relevant tax returns for 2012 and is fully tax

	compliant.
Statement of Internal Financial Control	The Commissioner has confirmed in the Financial Statements for 2012 that a review of the effectiveness of the system of internal financial control was conducted. The SIFC contains a comprehensive set of policies and procedures relating to financial controls. For the purpose of Oireachtas accountability, the Commissioner is the Accountable Officer.
Travel Policy	The Commission complies with Government travel policy requirements.
Disclosure of interests	The Commissioner, his staff, and all consultants and advisers, as required, comply with the relevant disclosure requirements arising under section 18 of the Ethics in Public Office Act 1995 and sections 17-18 of the Aviation Regulation Act, 2001.
	The Public Appointments Service is responsible for organising open competitions to appoint Members of the Commission. There is currently one Commissioner.
Risk Management	The Commission maintains a risk register which is regularly reviewed by the senior management and the Commission works with the audit committee to manage risks.

## **FINANCIAL INFORMATION**

### **Levy**

For the purpose of meeting expenses properly incurred in discharging its functions, the Commission may make regulations imposing a levy to meet but not to exceed its estimated operating costs and expenses. The levy is payable by such classes of undertakings as may be specified by the Commission.

On 21 December 2012, the "Aviation Regulation Act 2001 (Levy No. 13) Regulation 2012" (S.I No. 546 of 2012) gave effect to the Commission's Levy for 2013. The revenues the Commission expects to receive from the levy in 2013 are 13% higher than the 2012 levy revenues.

The Commission set the 2013 levy having regard to operating costs and expenses over a five-year horizon. This change is intended to smooth the annual fluctuations in the levy.

### **Financial Statements**

During 2012, the financial statements for 2011 were audited by the Comptroller and Auditor General and submitted to the Minister. They were laid before the Houses of the Oireachtas on 18 October 2012. These accounts are available on the Commission's website.

Draft financial statements for the year ended 31 December 2012 have been prepared, and were submitted for audit by the Comptroller and Auditor General on 28 February 2013. An extract from those statements is provided in the following pages.

<b>DRAFT Income and Expenditure Account for the Year ended 31 December 2012</b>					
			<b>Notes</b>	<b>2012</b>	<b>2011</b>
<b>Income</b>				<b>€</b>	<b>€</b>
Levy Income			1	2,220,260	2,458,750
Licence Fees			1	168,263	199,832
Other			1	41,513	41,714
<b>Gross Income</b>				<b>2,430,416</b>	<b>2,700,296</b>
Transfer (to)/from Capital Account			9	15,380	16,688
<b>Net Income</b>				<b>2,445,416</b>	<b>2,716,984</b>
<b>Expenditure</b>					
Staff Costs			3	1,293,962	1,288,410
Pension Costs			10 (a)	136,023	136,178
Consultancy				26,351	172,878
Legal Fees				181,370	(160,167)
Rent				282,363	282,550
Schedules Facilitation				277,806	280,369
Other				429,056	394,427
			2	2,626,931	2,394,645
Operating Surplus / (Deficit)			14	(181,515)	322,339
Balance as at 1 January				2,284,725	1,962,386
Balance as at 31 December				2,103,210	2,284,725

The Statement of Accounting Policies, Cashflow Statement and the Notes 1 to 18 form an integral part of these Financial Statements.

**Cathal Guiomard**  
**Commissioner**

**28<sup>th</sup> February 2013**

<b>DRAFT Statement of Total Recognised Gains and Losses for Year ended 31 December 2012</b>			
		<b>2012</b>	
	<b>Notes</b>	<b>€</b>	
Operating Surplus		(181,515)	322,339
Actual return less expected return on pension scheme assets	10 (c)	112,950	(163,859)
Experience gains/(losses) arising on pension scheme liabilities	10 (d)	46,618	65,369
Changes in assumptions underlying the present value of the pension scheme liabilities		-	-
Actuarial gain/(loss)		159,568	(98,490)
<b>Total Recognised Gains/(Losses) relating to the Financial Year</b>		<b>(21,947)</b>	<b>223,849</b>

The cumulative loss recognised from actuarial gains and losses arising in the last four years amounts to €247,131.

Movement in Pension Reserve	<b>2012</b>	<b>2011</b>
Balance at 1 January	(202,081)	(103,591)
Actuarial Gain/(Loss)	<u>159,568</u>	<u>(98,490)</u>
Balance at 31 December	<u>(42,513)</u>	<u>(202,081)</u>

The Statement of Accounting Policies, Cashflow Statement and the Notes 1 to 18 form an integral part of these Financial Statements.

**Cathal Guiomard**  
**Commissioner**

**28<sup>th</sup> February 2013**

<b>DRAFT Balance Sheet as at 31 December 2012</b>					
			<b>2012</b>		<b>2011</b>
	<b>Notes</b>	<b>€</b>	<b>€</b>	<b>€</b>	<b>€</b>
<b>Fixed Assets</b>					
Tangible Assets	4		18,355		33,735
<b>Current Assets</b>					
Bank Accounts	5	15,522,828		14,347,438	
Debtors and Prepayments	6	249,154		949,398	
		15,771,982		15,296,836	
<b>Creditors:</b>					
<b>Amounts falling due within one year</b>					
Creditors and Accruals	7	(337,316)		(157,100)	
Cash Bond Accounts	5	(13,244,738)		(12,478,82)	
		(13,582,54)		(12,635,92)	
<b>Net Current Assets / (Liabilities)</b>			2,189,928		2,660,910
<b>Total Assets less Current Liabilities</b>			2,208,283		2,694,645
<b>Provisions for Liabilities and Charges</b>	8		-		(325,533)
<b>Net Assets Excluding Pension Liability</b>			2,208,283		2,369,112
Net Pension Asset/(Liability)	10 (b)		(129,231)		(252,733)
<b>Net Assets / (Liabilities) including Pension Asset/(Liability)</b>			2,079,052		2,116,379
<b>Financed By</b>					
Income & Expenditure Account Surplus/(Deficit)			2,103,210		2,284,725
Capital Account	9		18,355		33,735
Pension Reserve			(42,513)		(202,081)
			2,079,052		2,116,379

The Statement of Accounting Policies, Cashflow Statement and the Notes 1 to 18 form an integral part of these Financial Statements.

**Cathal Guiomard  
Commissioner**

**28<sup>th</sup> February 2013**

<b>DRAFT Cashflow Statement for the Year ended 31 December 2012</b>			
		<b>2012</b>	<b>2011</b>
	<b>Notes</b>	<b>€</b>	<b>€</b>
<b>Reconciliation of operating surplus to net Cash inflow/(outflow) from operating activities</b>			
Surplus/(Deficit) on Income and Expenditure		(181,515)	322,339
Difference between Pension Cost and Employer Contribution		36,066	38,070
Depreciation	4	15,154	16,688
Bank Interest		(37,577)	(29,061)
Transfer (from)/to Capital Account		(15,380)	(16,688)
Decrease/(Increase) in Debtors	6	701,914	380,755
Decrease/(Increase) in Prepayments	6	(1,671)	4,321
(Decrease)/Increase in Creditors	7	46,250	4,549
(Decrease)/Increase in Accruals	7	133,967	(86,841)
(Decrease)/Increase in Provisions	8	(325,533)	(267,397)
<b>Net Cash Inflow/ (Outflow) From Operating Activities</b>		371,675	366,735
<b>Cash Flow Statement</b>			
Net Cash Inflow/ (Outflow) From Operating Activities		371,675	366,735
Returns on Investments			
Bank Interest		37,578	29,061
Capital Expenditure			
Purchase of fixed assets	4	225	-
Financing			
Increase / (Decrease) in Cash Bond Accounts & TPF	5	765,912	(293,851)
Management of Liquid Resources			
(Increase) / Decrease in Funds on Deposit	5	(416,365)	(531,516)
<b>Increase/(Decrease) in Cash Balances</b>		759,025	(429,571)
<b>Reconciliation of net cash flow to movements in net funds</b>			
Increase/(Decrease) in cash in hand in the period		759,025	(429,571)
Cash used to (decrease)/ increase liquid resources	5	416,365	531,516
Change in Net Funds		1,175,390	101,945
Opening Net Funds		14,347,438	14,245,493
Closing Net Funds		15,522,828	14,347,438

The Statement of Accounting Policies, Cashflow Statement and the Notes 1 to 18 form an integral part of these Financial Statements.

**Cathal Guiomard**  
**Commissioner**

**28<sup>th</sup> February 2012**



## APPENDIX

### Commission Papers in 2012

CP1/2012 April 2012	Future Investments and the Regulatory Till
CP2/2012 November 2012	Consultation on the decision of the 2012 Aviation Appeals Panel
CP3/2012 December 2012	Investments in Commercial Activities: Capex consultation guidance and Implications for the Regulatory Till
CN1/2012 June 2012	Travel Trade Licensing Arrangements for Autumn 2012

### Output Report

#### Charges and Slot Regulation

2012 Goal	2012 Outturn
Re-examine the existing approach to making determinations for Dublin airport charges, identifying those areas, if any, where changes might be required	<ul style="list-style-type: none"> <li>➤ Consultation paper published in April</li> <li>➤ Final Commission Paper published in December</li> </ul>
Advise on possible changes to the slots regime	<ul style="list-style-type: none"> <li>➤ No advice sought by DTTAS</li> </ul>
Monitor compliance with existing price caps and ensure continued smooth operation of the current scheduling regime at Dublin airport.	<ul style="list-style-type: none"> <li>➤ Commission satisfied that IAA and DAA complied with price cap</li> <li>➤ Reviewed security queue measurements</li> <li>➤ Attended Co-ordination Committee Meetings and interacted with ACL to monitor traffic trends at Dublin airport</li> </ul>

#### Licensing and Approvals

2012 Goal	2012 Outturn
<ul style="list-style-type: none"> <li>➤ Ensure air carrier licence-holders meet the requirements of the legislation</li> </ul>	<ul style="list-style-type: none"> <li>➤ All existing licence holders were monitored for compliance with legislation</li> <li>➤ Two year review of operating licence undertaken as required</li> </ul>
<ul style="list-style-type: none"> <li>➤ Online licensing facility</li> </ul>	<ul style="list-style-type: none"> <li>➤ Published user guide on how to register to use the online system</li> </ul>

➤ Promote greater understanding of the air carrier licensing regime amongst licence holders and the public	➤ Licence discs for 2013 were issued to all helicopter and small aircraft operators
➤ Continue to license and monitor groundhandling companies	<ul style="list-style-type: none"> <li>➤ All Groundhandling Approval holders provided up to date financial information and insurance cover</li> <li>➤ Groundhandling Approvals held by 5 companies expired and were successfully renewed</li> </ul>
➤ Continue to administer the licensing and bonding scheme for travel trade companies in Ireland	➤ 273 licences issued and 42 companies visited to assess compliance
➤ Prepare for the potential impact of European legislation on the workings of the current travel trade regime in Ireland	➤ A number of meetings held with representatives from the Department of Transport and the Attorney General's Office, developing a policy response to the impact of European legislation

### Air Passenger Rights

2012 Goal	2012 Outturn
➤ Ensure compliance with EC laws concerning passenger rights	<ul style="list-style-type: none"> <li>➤ 807 new complaints received. 298 for counterpart enforcement bodies</li> <li>➤ 509 complaints investigated and 436 concluded</li> <li>➤ 8 airports inspected</li> </ul>
➤ Increase public awareness of air passenger rights issues	<ul style="list-style-type: none"> <li>➤ Participated in Air Passenger Rights day at Dublin Airport</li> <li>➤ Participated in Holiday World fair in Dublin</li> </ul>

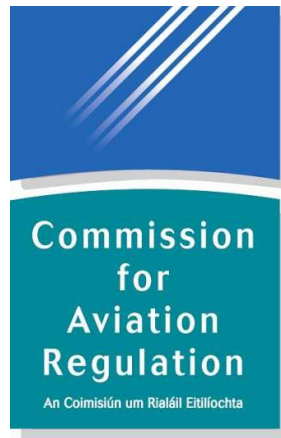
### Key Performance Indicators

Performance Indicator	2012 Performance
Licensing	
Licence applicants notified of missing documents within a week	57%
Licence applicants receiving a decision in principle within a month	46%
Licences issued within two weeks of all documents being received	100%
Number of licensees' premises visited	42
Claims and Repatriations	

Number of claims received following travel-trade collapses	0
Number of claims processed within two months	n/a
Number of claims processed within four months	n/a
Number of claims processed within six months	n/a
Administration costs as a percentage of total claims costs	n/a
Number of passengers repatriated	n/a
Passengers awaiting repatriation after scheduled return date	n/a
Passengers awaiting repatriation for more than a week	n/a
Consumer Protection	
Preliminary reviews of complaints completed within a week	82%
Complaints referred to another NEB within a month of receipt	100%
Investigations completed within three months of receipt <sup>7</sup>	78%
Investigations completed within seven months of receipt <sup>8</sup>	88%
Number of airport inspections	8
Costs	
Annual change in Commission costs	10%
Annual change in Commission costs (excluding legal fees, airport coordination and claims processing costs)	-5%

<sup>7</sup> For complaints received between 1 January and 31 October 2011.

<sup>8</sup> For complaints received between 1 January and 31 July 2011.



## **TUARASCÁIL**

**don**

**AIRE IOMPAIR**

**don bhliain dar críoch**

**31 NOLLAIG 2012**

**Márta 2013**

**An Coimisiún um Rialáil Eitlíochta  
3<sup>ú</sup> Urlár**

**Teach Alexandra  
Ardán Phort an Iarla  
Baile Átha Cliath 2**

**Teil +353 (0) 1-6611700, Faics +353 (0) 1-6611269**

**ríomhphost: [info@aviationreg.ie](mailto:info@aviationreg.ie)  
[www.aviationreg.ie](http://www.aviationreg.ie)**

## CLÁR NA nÁBHAR

<u>RÉAMHRÁ</u> .....	39
<u>MUIRIR AGUS RIALÚ SEALANNA</u> .....	43
<u>CEADÚNÚ AGUS CEADANNA</u> .....	51
<u>CEARTA AERPHAISINÉIRÍ</u> .....	57
<u>FEIDHMEANNA RIARACHÁIN AGUS DLÍTHIÚLA</u> .....	64
<u>FAISNÉIS AIRGEADAIS</u> .....	68
<u>AGUISÍN</u> .....	74



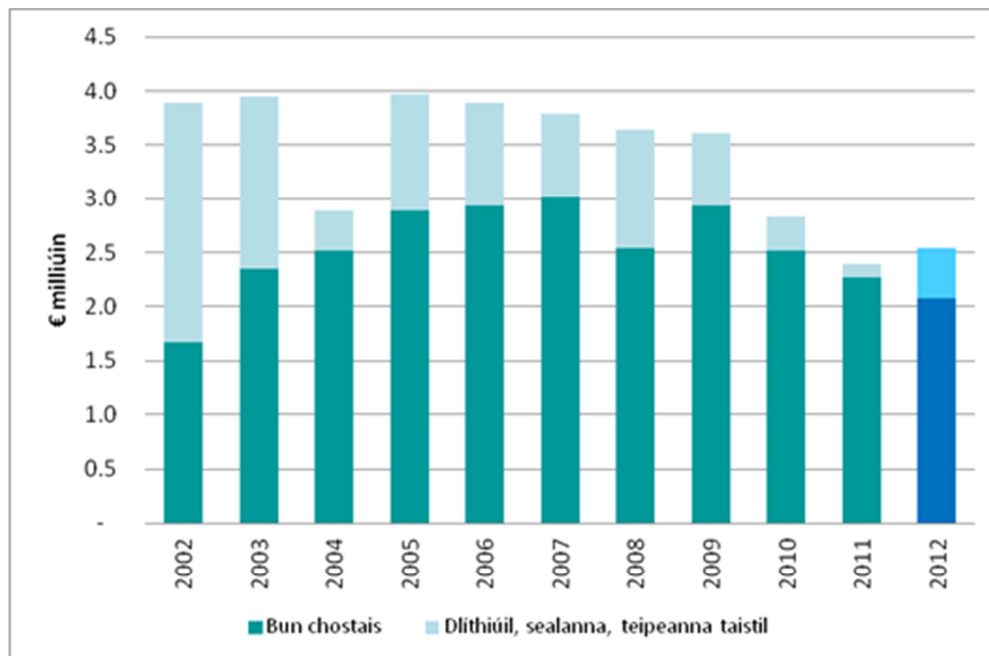
## RÉAMHRÁ

Comhlacht poiblí neamhspleách an Coimisiún um Rialáil Eitlíochta a shocraíonn caidhp praghais ar mhuirir eitlíochta áirithe, ar cheadúnais nó a údaraíonn aerlínte, láimhseálaithe ar an talamh agus an trádáil taistil, agus a fhorfheidhmíonn cearta áirithe atá ag aerphaisinéirí.

Déantar cur síos níos deireanaí sa tuarascáil seo ar an obair a bhí ar bun againn sa bhliain 2012. Tugaim tráchttaireacht ghearr sa Réamhrá seo ar an treocht is déanaí i gcostais na hoifige, ar fhorfheidhmiú cearta aerphaisinéirí agus ar na príomhdhúshlán a bheidh ar an oifig sa bhliain 2013.

Bhí easpa beochta i dtionscal eitlíochta na hÉireann sa bhliain 2012. Leanadh le feabhas beag i líon na bpaisinéirí in aghaidh na bliana ag aerfort Bhaile Átha Cliath (ardú 2 faoin gcéad go dtí 19.1 milliún). Bhí ardú beag ar líon iomlán gluaiseachtaí aerárthaigh (ardú 0.3 faoin gcéad), arb ionann é agus ardú beag i mBaile Átha Cliath agus laghdú i gCorcaigh agus laghdú níos mó i Sionainn. Thuairiscigh na haerlínte níos mó atá ceadúnaithe ag an gCoimisiún go raibh brabús á dhéanamh acu, brabús níos mó i gcásanna áirithe, sa bhliain 2012. Bhí staid airgeadais roinnt de na hiompróirí níos lú lag i gcónaí. Maidir leis an trádáil taistil, bhí ardú beagnach 7% go dtí €1.1 billiún ar láimhdeachas incheadúnaithe na ngníomhairí taistil agus na dtionscnóirí turas i gcomparáid leis an mbliain roimhe sin.

**Figiúr 1.1: Caiteachas an Choimisiúin um Rialáil Eitlíochta 2002 – 2012**



Is é an tionscal eitlíochta a íocann as caiteachas an Choimisiúin; bhí caiteachas measta<sup>9</sup> na bliana 2012 beagnach 35% níos ísle ná mar a bhí sa bhliain 2006, mar atá léirithe ar an gcairt thuas, figiúr a thugann le fios go bhfuil rialú airgeadais ina thosaíocht don údarás. Leanadh leis an laghdú ar ár mbunchostais sa bhliain 2012, agus bhí siad 5% níos lú arís. Buiséad €2.9 milliún atá againn don bhliain 2013, ar íslíú €0.65 milliún é ar bhuiséad 2012.

Cé gur 18 nduine an uasteorainn foirne atá ag an gCoimisiún, táimid i mbun feidhme faoi láthair le 15 dhuine, fad is atá líon folúntas á líonadh againn. D'éirigh linn ár bhfreagrachtaí a chomhlíonadh go dtí seo le níos lú acmhainní trí atheagar a dhéanamh orainn féin, solúbthacht foirne, feidhmeanna riaracháin a aistriú ar líne agus trí bheith ag déileáil le líon níos lú caingne dlí.

D'éirigh leis an rialtas lárnach smacht níos fearr a choinneáil ar chaiteachas poiblí le blianta beaga anuas. Bealach cuiditheach chun na héifeachtúlachtaí breise atá ag teastáil a aimsiú is ea táscairí diana feidhmíochta a shocrú do chomhlachtaí poiblí, ar a laghad ar bhonn trialach. Shamhlófaí go dtabharfaí uathriail bainistíochta iomlán ar ais do bhainisteoirí freisin leis an gcur chuige seo, agus go mbeadh orthu ansin cuntas a thabhairt ar a bhfeidhmíocht go tráthrialta.

Achoimre ar an obair a bhí ar bun againn sa bhliain 2012: thugamar freagra do Phainéal Achomhairc a chuir an tAire Iompair ar bun chun breithniú a dhéanamh ar achomharc ó Údarás Eitlíochta na hÉireann maidir leis an gcaoi ar caitheadh le cáilíocht seirbhíse agus le costais phinsin sa chaidhp praghais atá curtha ar mhuirir seirbhísí críochfoirt Údarás Eitlíochta na hÉireann. Níor athraíodh an chaidhp praghais. D'fhoilsíomar tuairiscí ráithiúla faoi bhearta a bhaineann le cáilíocht seirbhíse faoi choinne Údarás Aerfort Bhaile Átha Cliath agus Údarás Eitlíochta na hÉireann, agus chuamar i mbun comhairliúcháin maidir le gnéithe den chóras rialála praghsanna. Maidir leis an earnáil ceadúnaithe, d'athnuamar 280 ceadúnas don trádáil taistil, rud a fhágann go ndéanfar a gcustaiméirí a aisíoc nó a aisdhúichiú más gá. Dhearbhíomar go sásaíonn 60 aerlíne agus láimhseálaí ar an talamh riachtanais úinéireachta agus ghnó, lena n-áirítear oiriúnacht airgeadais agus clúdach árachais. Thugamar freagra freisin ar níos mó ná 3,000 fiosrú a rinne aerphaisinéirí, agus rinneamar imscrúdú ar isteach is amach le 500 gearán incháilithe ó phaisinéirí.

D'éiligh an rialtas ar chomhlachtaí poiblí sa bhliain 2009 príomhtháscairí feidhmiúcháin (KPIanna) a bhailiú agus a fhoilsiú ar mhaithe le feabhas a chur ar chuntasacht comhlachtaí poiblí, agus thosaigh an Coimisiún ag

<sup>9</sup> Tá iniúchadh déanta ar na figiúirí do gach bliain ach amháin 2012, ar figiúirí dréachta iad. Déantar idirdhealú sa tábla idir bunchostais a bhfuil smacht níos mó ag an gCoimisiún orthu, agus costais a bhaineann le gníomhartha daoine eile a fhreagairt e.g. caingne dlí a chosaint, déileáil le teip gnólacht taistil, agus an costas a bhaineann leis an gcóras sceidilíthe sealanna.



déanamh amhlaidh sa bhliain 2011. Tá sé beartaithe againn go leagfadh ár gcuid KPIanna amach sprioc dár gcuid oibre a bheidh dúshlánach ach a bheidh indéanta go ginearálta. Tá torthaí iomlána gach ceann den naoi KPI déag don bhliain 2012 mar aon leis na figiúirí comparáideacha don bhliain 2011 le fáil san aguisín leis an tuarascáil seo.

Gné amháin dár gcuid oibre inar tharla sé nach raibh ár bhfeidhmíocht chomh maith agus ba mhaith linn sa bhliain 2011 ná forfheidhmiú cearta aerphaisinéirí. Níl aon amhras ach gur imir fachtóirí speisialta tionchar air sin, lena n-áirítear ardú as cuimse ar líon na ngearán i ngeall ar an méid a cuireadh isteach ar aerspás, agus na moilleanna a bhí ann fad is a bhí achomhairc dlí á mbreithniú ag Cúirt Bhreithiúnais an Aontais Eorpaigh. Tá feabhas nach beag le feiceáil i dtorthaí na bliana 2012 (féach an tábla thíos): thug an Coimisiún níos mó ná trí cheathrú de na himscrúdúcháin maidir le gearáin paisinéirí chun críche laistigh de thrí mhí den ghearán a bheith faighte.

**Tábla 1.1: Táscairí feidhmíochta maidir le cosaint tomhaltóirí, 2012 v. 2011**

KPIanna um chosaint tomhaltóirí	2012	2011
Gearáin a athbhreithniú laistigh de 1 seachtain	86%	65%
Imscrúduithe a thabhairt chun críche laistigh de 3 mhí*	77%	31%
Imscrúduithe a thabhairt chun críche laistigh de 7 mhí*	87%	50%
Cigireachtaí a dhéanamh ar aerfoirt	8	9

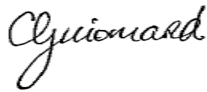
\*Rinneadh moilleadh ar na figiúirí KPI chun go bhféadfaí iad a thomhas thar tréimhse míonna ina dhiaidh sin; cuimsíonn uimhreacha na bliana 2011 an tréimhse ó mhí Eanáir chomh fada le mí Iúil, agus cuimsíonn uimhreacha na bliana 2012 an tréimhse ó mhí Lúnasa 2011 chomh fada le mí an Mheithimh 2012.

Mar sin féin, fachtóir eile a imríonn tionchar ar an méid ama a theastaíonn ná an méid comhoibríthe a fhaightear ó na haerlínte. Bíonn comhoibriú iomlán anois ann ón gcuid is mó de na haerlínte i rith an phróisis chun gearáin a láimhseáil (sa mhéid is nach mbíonn fad ach le cásanna casta nó le cásanna atá teagmhasach ar chásdlí atá ar feitheamh). Ar an drochuair, bhí ar an gCoimisiún dul i ngleic go minic le American Airlines, le hAer Lingus agus le Turkish Airlines agus fad scéil a bhaint as cásanna a chreidimid a bheith inleigheasta go réidh. Ag tús na bliana 2012, bhain go leor de na cásanna a bhí ag tógáil níos faide ná ba cheart chun iad a réiteach leis na haerlínte sin. Tháinig feabhas áirithe ar an scéal sin sa dara leath den bhliain 2012. Leanaimid orainn de bheith ag lorg tuilleadh feabhais ó na haeriompróirí sin.

Áireofar i measc phríomhdhúshláin an Choimisiúin sa bhliain 2013 a bheith ag obair leis an Roinn Iompair, Turasóireachta agus Spóirt agus le hÚdarás Eitlíochta na hÉireann chun rialáil eitlíochta in Éirinn a chomhtháthú. Tá athbhreithniú ar bheartas eitlíochta seolta chuig an Roinn Iompair freisin a bhfuil tús le cur leis sa bhliain 2013. Tabharfaidh sé sin deis, inter alia, do pháirtithe leasmhara aon athrú ar mian leo a fheiceáil i róil reachtacha an Choimisiúin a mholadh. Leantar leis an obair ag leibhéal an AE ar an 'bpacáiste aerfoirt', ar corpas rialachán nua nó athbhreithnithe é a dhéileálann le laghdú torainn (nach freagracht de chuid an Choimisiúin é),

rialacha maidir le sealanna a chionroinnt ag aerfoirt agus maidir le seirbhísí láimhseála ar an talamh. Táimid ag fanacht le pacáiste an AE a bheith tugtha chun críche maidir leis sin chun go mbeimid in ann a theacht ar thuiscint ar na himpleachtaí, más ann dóibh, a bheidh ann don oifig againne. Cuirfidh an Coimisiún tús le comhairliúcháin sa bhaile chun a theacht ar chinneadh maidir leis an gcéad chaidhp praghais eile d'aerfort Bhaile Átha Cliath sa bhliain 2014.

D'fhill beirt chomhghleacaithe ar an Roinn Iompair ag deireadh a dtréimhse iasachta ag deireadh na bliana 2012 agus ba mhaith liom mo bhuíochas a chur in iúl dóibh as ucht a gcuid oibre leis an gCoimisiún. Is mian liom freisin mo bhuíochas pearsanta a chur in iúl do mo chomhghleacaithe eile as a dtiomantas agus a ndíograis.



Cathal Guiomard  
An Coimisinéir

## MUIRIR AGUS RIALÚ SEALANNA

### Ról an Choimisiúin

Déanann an Coimisiún na rudaí seo a leanas:

- socraíonn sé caidhp praghais a chuireann srian leis an ioncam iomlán in aghaidh an phaisinéara ar féidir le hÚdarás Aerfort Bhaile Átha Cliath a bhailiú ó mhuirir aerfoirt ag aerfort Bhaile Átha Cliath;
- socraíonn sé caidhp praghais a chuireann srian leis an ioncam iomlán in aghaidh an phaisinéara ar féidir le hÚdarás Eitlíochta na hÉireann a bhailiú ó mhuirir seirbhísí críochfoirt eitlíochta ag aerfoirt Bhaile Átha Cliath, Chorcaí agus Shionainne;
- ní mór dó faomhadh a thabhairt i dtaca leis na muirir a ghearrann aerfoirt ar aerlínte chun íoc as seirbhísí do phaisinéirí a bhfuil soghluaisteacht laghdaithe acu;
- ní mór dó faomhadh a thabhairt i dtaca le haon athrú ar na muirir a ghearrann na húdaráis aerfoirt ag aerfoirt Baile Átha Cliath, Chorcaí agus Shionainne chun rochtain a fháil ar na suiteálacha atá de dhíth chun seirbhísí láimhseála ar an talamh a sholáthar; agus
- ainmníonn sé stádas sceidilithe aerfoirt na hÉireann faoi na Rialacháin um Chionroinnt Sealanna, agus sa chás go bhfuil gá leis, ceapann sé éascaitheoir nó comhordaitheoir sceideal.

Níl aon chumhacht ag an gCoimisiún muirir eile a rialú, lena n-áirítear:

- na muirir aerthráchta idirthurais a shocraíonn Údarás Eitlíochta na hÉireann; agus
- muirir charrchlóis ag aerfoirt, agus i dtéarmaí níos ginearálta muirir nach muirir a bhaineann le haerloingseoireacht iad (ach amháin iad siúd a ghearrtar le haghaidh rochtana ar na suiteálacha atá de dhíth chun seirbhísí láimhseála ar an talamh a sholáthar ag aerfoirt Bhaile Átha Cliath, Chorcaí agus Shionainne).

Bhíomar in ann ár gcuid iarrachtaí a dhíriú ar thionscadail níos fadtréimhsí i ndáil le rialú muirear agus sealanna an chuid is mó den bhliain 2012 seachas a bheith ag déileáil leis an bpróiseas cinnteoireachta láithreach chun caidhp praghais a shocrú.

Bhí orainn aghaidh a thabhairt ar Phainéal Achomhairc níos deireanaí sa bhliain a bhain leis an gcinneadh a rinneamar sa bhliain 2011 chun muirir seirbhísí críochfoirt eitlíochta a rialú.

### Muirir Aerfoirt

Thugamar chun críche sa bhliain 2012 an tiomantas a rinneamar chun athbhreithniú a dhéanamh ar an gcaoi a gcaitear le hioncaim agus le costais seirbhísí nach seirbhísí aerloingseoireachta iad ag aerfort Bhaile Átha Cliath ó thaobh na rialála de. Tionscadal é seo a bhaineann leis an scipéad rialála ar thugamar le fios go dtabharfadh muid faoi ag an am a ndearnadh Cinneadh 2009 as siocair gur léirigh Údarás Aerfort Bhaile Átha Cliath agus Ryanair araon gur mhaith leo an cur chuige reatha a athrú.

D'fhoilsíomar dhá pháipéar faoin topaic sa bhliain 2012. I mí Aibreáin, d'eisíomar páipéar comhairliúcháin a leag amach i dtéarmaí ginearálta an cur chuige a bhí againn, is é sin go rabhamar i bhfábhar cur chuige an 'scipéid shingil' a choinneáil maidir le rialúchán, i.e. ag féachaint do ghlan-ioncaim tráchtála nuair atáthar i mbun caidhp praghais a shocrú i dtaca le muirir aerfoirt. Ag an am céanna, thugamar le fios go rabhamar toilteanach breithniú a dhéanamh ar mhionathruithe i gcásanna ina raibh Údarás Aerfort Bhaile Átha Cliath ag iarraidh dul ar aghaidh le hinfheistíocht i ngníomhaíocht tráchtála a raibh úsáideoirí in amhras go mór fúithi. Thug Aer Lingus, Airports Council International, Údarás Aerfort Bhaile Átha Cliath agus IATA freagra ar ár bpáipéar comhairliúcháin. Bhuaileamar le hAer Lingus agus le hÚdarás Aerfort Bhaile Átha Cliath chun a gcuid freagraí a phlé.

D'fhoilsíomar páipéar deiridh faoin topaic i mí na Nollag inar leagamar amach treoirínite faoin gcaoi a gcaithfeadh muid le hinfheistíochtaí tráchtála ag aerfort Bhaile Átha Cliath sa todhchaí ó thaobh na rialála de. Tugann na treoirínite aghaidh ar chásanna ina bhféadfadh úsáideoirí cur in aghaidh an cháis ghnó atá déanta ar son infheistíochta tráchtála atá molta ag Údarás Aerfort Bhaile Átha Cliath. Ligeann siad d'úsáideoirí agus d'Údarás Aerfort Bhaile Átha Cliath easaontú go cairdiúil maidir le hionchais tráchtála infheistíochta ar leith gan ceachtar den dá pháirtí a bheith ag aireachtáil faoi oibleagáid a dtuairim féin a chur ina luí ar an rialaitheoir. Ina áit sin, bheadh dreasachtaí ag Údarás Aerfort Bhaile Átha Cliath an infheistíocht a dhéanamh, agus fios iomlán acu gur air féin a bheadh na rioscaí (ag coinneáil aon bhrabús a d'fhéadfadh a bheith ann, ach ag tabhairt frithgheallúna maidir le haon chaillteanas).

Cuirfimid tús i mbliana le comhairliúcháin chun an chéad chaidhp praghais eile a chinntiú. Táimid i mbun oibre leis an amchlár atá ar taispeántas sa tábla thíos, agus táimid ag beartú an cinneadh deiridh a fhoilsiú i mí Mheán Fómhair 2014. Taispeánfar aon athrú a dhéanfar ar an amchlár seo ar ár láithreán gréasáin, a mbeidh amchlár a bheidh suas chun dáta air i gcónaí.

**Tábla 2.1: Amchlár don Chéad Chinneadh Eile maidir le Muirir Aerfoirt**

Bealtaine 2013	Cuntais rialála Údarás Aerfort Bhaile Átha Cliath agus toradh an chaiteachais chaipitil don bhliain 2012 le cur isteach chuig an gCoimisiún
Iúil 2013	Páipéar Saincheisteanna le foilsiú ag an gCoimisiún
Meán Fómhair 2013	Spriocdháta do fhreagraí don Pháipéar Saincheisteanna

Meán Fómhair 2013	Moladh Rialála le cur ar fáil ag Údarás Aerfort Bhaile Átha Cliath
Samhain 2013	Spriocdháta do thuairimí maidir le Moladh Rialála Údarás Aerfort Bhaile Átha Cliath
Bealtaine 2014	Cinnidh Dréachta le foilsiú ag an gCoimisiún
Iúil 2014	Spriocdháta do fhreagraí don Chinneadh Dréachta
Meán Fómhair 2014	An cinneadh deiridh le foilsiú ag an gCoimisiún

## Muirir Seirbhísí Críochfoirt Eitlíochta

Cuireadh ar an eolas muid i mí Lúnasa 2012 go raibh painéal achomhairc curtha ar bun ag an Aire chun athbhreithniú a dhéanamh ar an gCinneadh a rinneamar a rialaíonn leibhéal na muirear seirbhísí críochfoirt eitlíochta ar féidir le hÚdarás Eitlíochta na hÉireann a ghearradh ag aerfoirt Bhaile Átha Cliath, Chorcaí agus Shionainne. Tugadh an tasc don Phainéal breithniú a dhéanamh ar achomharc a rinne Údarás Eitlíochta na hÉireann faoin réimeas cáilíocht seirbhíse a bhí molta agus faoin gcaoi ar caitheadh le costais phinsin.

Mar a rinneamar le painéil achomhairc roimhe sin a cuireadh ar bun chun achomharc a dhéanamh ar chinntí an Choimisiúin, chuireamar an t-eolas a d'iarr an Painéal ar fáil dó ach staonamar ó bheith ag gníomhú mar fhreagróir i rith an achomhairc. Chuir an Painéal an Cinneadh faoi bhráid an Choimisiúin ar ais le haghaidh a athbreithnithe i ndáil leis an gcaoi a raibh sé ag caitheamh le costais phinsin, ach seachas sin dhiúltaigh sé na forais eile a bhí curtha chun cinn ag Údarás Eitlíochta na hÉireann.

Fuaireamar an t-atreorú i mí na Samhna. D'fhoilsíomar páipéar comhairliúcháin a thug cuireadh do pháirtithe leasmhara a dtuairimí a thabhairt. D'fhreagair dhá pháirtí leasmhara faoin sprioc, Aer Lingus agus Údarás Eitlíochta na hÉireann. I mí Eanáir 2013 d'fhoilsíomar ár gcinneadh inar dearbhaíodh ár gCinneadh ón mbliain 2011.

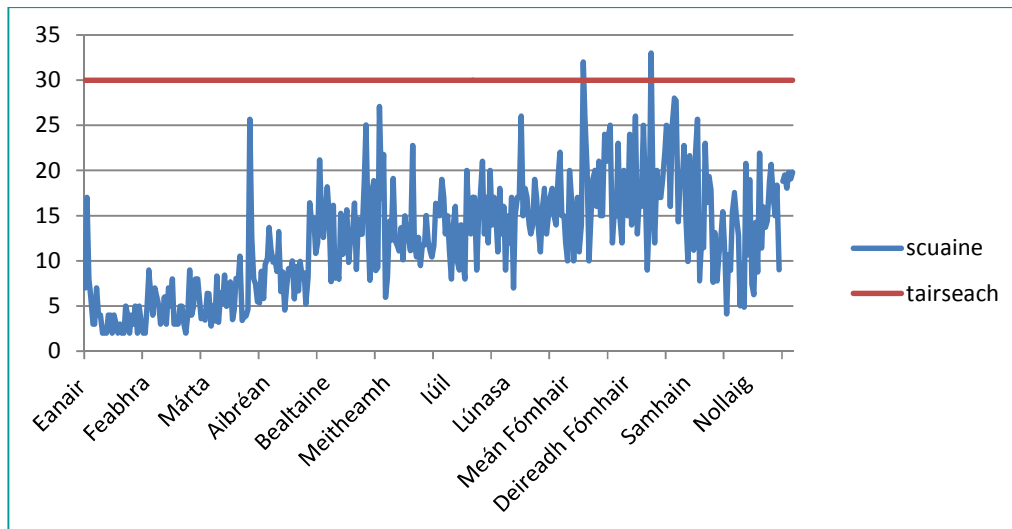
## Monatóireacht Rialála

Chuir an Coimisiún tuairiscí ráithiúla i dtoll a chéile sa bhliain 2012 inar tugadh torthaí faoi cháilíocht seirbhíse i dtaca le bearta éagsúla a imríonn tionchar ar an gcaoi a ríomhtar an chaidhp praghais d'Údarás Aerfort Bhaile Átha Cliath agus d'Údarás Eitlíochta na hÉireann.

Tá dreasacht airgeadais ann d'Údarás Aerfort Bhaile Átha Cliath spriocanna sonraithe atá leagtha síos i ndáil le dhá bheart déag a bhaint amach, ar spriocanna iad a bhaineann le cáilíocht seirbhíse sa scéim monatóireachta, lena n-áirítear bearta maidir leis an méid ama a chaitear sna scuainí slándála, an crios bagáiste a bheith ar fáil agus na torthaí a fuarthas ar shuirbhéanna éagsúla a rinneadh ar phaisinéirí.

Fuaireamar comhfhreagras sa bhliain 2012 ó úsáideoirí inar léirigh siad a míshástacht faoi fhad na scuainí slándála, na scuainí i gcríochfort a haon go háirithe. Bhuailomar le baill de Choiste Oibrítheoirí an Aerfort chun a n-ábhar imní a phlé. Shocraíomar iniúchadh freisin ar an gcóras uathoibríoch ar ghlac Údarás Aerfort Bhaile Átha Cliath leis i mí an Mhárta chun fad scuainí a thuairisciú. Mar thoradh ar an iniúchadh sin, d'iarramar ar Údarás Aerfort Bhaile Átha Cliath mionathrú a dhéanamh ar an gcaoi ar aistrigh siad na bunsonraí ina n-amanna tuairiscithe i scuaine. Taispeánann an chairt thíos na torthaí don tréimhse ama is faide sa scuaine slándála ag Aerfort Bhaile Átha Cliath sa bhliain 2012. Sáraíodh an sprioc de 30 nóiméad faoi dhó. I dtéarmaí níos ginearálta, léiríonn na hamanna a taifeadadh gur éirigh na scuainí slándála laethúla is faide níos mó i rith na bliana, sular laghdaigh siad arís sa dá mhí dheireanacha.

**Figiúr 2.1: An Scuaine Slándála is Faide a Tomhaiseadh ag Aerfort Bhaile Átha Cliath Gach Lá, 2012**



*Foinse: Údarás Aerfort Bhaile Átha Cliath*

I gcás bearta eile a bhaineann le cáilíocht seirbhíse ag Aerfort Bhaile Átha Cliath, bhí na torthaí dearfach, go ginearálta. Theip ar Údarás Aerfort Bhaile Átha Cliath an sprioc a bhaint amach sa cheathrú ráithe sa bhliain 2011 maidir le rochtain ar an Idirlíon agus WiFi, ach is cosúil gur thug a ghníomhartha ina dhiaidh sin aghaidh ar na hábhair sin mar go bhfuil an sprioc don tomhas sin maidir le cáilíocht seirbhíse bainte amach go héasca aige ó shin.

Is é an toradh a bhí ar na trí shárú spriocanna maidir le cáilíocht seirbhíse (dhá cheann acu i ndáil le scuainí slándála, agus ceann amháin le húsáideoirí a bheith sásta le Rochtain ar an Idirlíon agus le WiFi) go mbeidh laghdú níos mó ná €300,000 ar an ioncam a bheidh Údarás Aerfort Bhaile Átha Cliath in ann a bhailiú ó mhuirir aerfoirt.

Bhain Údarás Eitlíochta na hÉireann amach a spriocanna maidir le cáilíocht seirbhíse.

## Caidhpeanna Rialaithe Praghaís agus Muirir Fhaofa

Tábla 2.2: Achoimre ar Chaidhpeanna Rialaithe Praghaís<sup>10</sup>

Cineál Caidhp Praghaís	Caidhp Praghaís 2013
Muirir aerfoirt ag Aerfort Bhaile Átha Cliath	Níor cheart di a bheith níos airde ná €10.67 in aghaidh an phaisinéara
Muirir seirbhísí críochfoirt eitlíochta ag aerfoirt Bhaile Átha Cliath, Chorcaí agus Shionainne	Níor cheart di a bheith níos airde ná €153.72 in aghaidh an aonaid seirbhíse críochfoirt

Ní bhfuairamar aon iarratas sa bhliain 2012 ó na comhlachtaí bainistíochta aerfoirt chun muirir i ndáil le 'rochtain ar shuiteálacha aerfoirt' (a nglaoitear muirir ATI orthu freisin) a fhaomhadh ag aerfoirt Bhaile Átha Cliath, Chorcaí agus Shionainne. Taispeántar na leibhéil muirir a faomhadh cheana féin thíos, agus iad nuashonraithe chun boilsciú a chur san áireamh sa chás inar cuí.

## Tábla 2.3: Achoimre ar Mhuirir Fhaofa

<sup>10</sup> Ag déanamh talamh slán de go mbainfí amach gach sprioc maidir le cáilíocht seirbhíse.

Cineál muirir rochtana (ATI)	Muirir ATI faofa amhail an 1 Eanáir 2013
Táille in aghaidh na bliana do dheasc seiceála isteach ag Aerfort Bhaile Átha Cliath Deasc seiceála isteach solúbtha – cíós in aghaidh na huaire	Táille in aghaidh na bliana: €25,606 in aghaidh na deisce in aghaidh na bliana Táille cíosa: €31 in aghaidh na huaire (nó cuid d'uair)
Táille in aghaidh na bliana do dheasc seiceála isteach ag Aerfort Shionainne Deasc seiceála isteach solúbtha – cíós in aghaidh na huaire	Táille in aghaidh na bliana: €9,215 in aghaidh na deisce in aghaidh na bliana Táille cíosa: €23 in aghaidh na huaire (nó cuid d'uair)
Táille in aghaidh na bliana do dheasc seiceála isteach ag Aerfort Chorcaí Deasc seiceála isteach solúbtha – cíós in aghaidh na leathuaire	Táille in aghaidh na bliana: €13,343 in aghaidh na deisce in aghaidh na bliana Táille cíosa: €5.34 in aghaidh na leathuaire (nó cuid de leathuair)
Táillí CUTE <sup>11</sup> ag Aerfort Shionainne	€0.30 in aghaidh an phaisinéara ag dul ar bord
Táillí CUTE ag Aerfort Chorcaí	€0.24 in aghaidh an phaisinéara ag dul ar bord

## Cionroinnt Sealanna

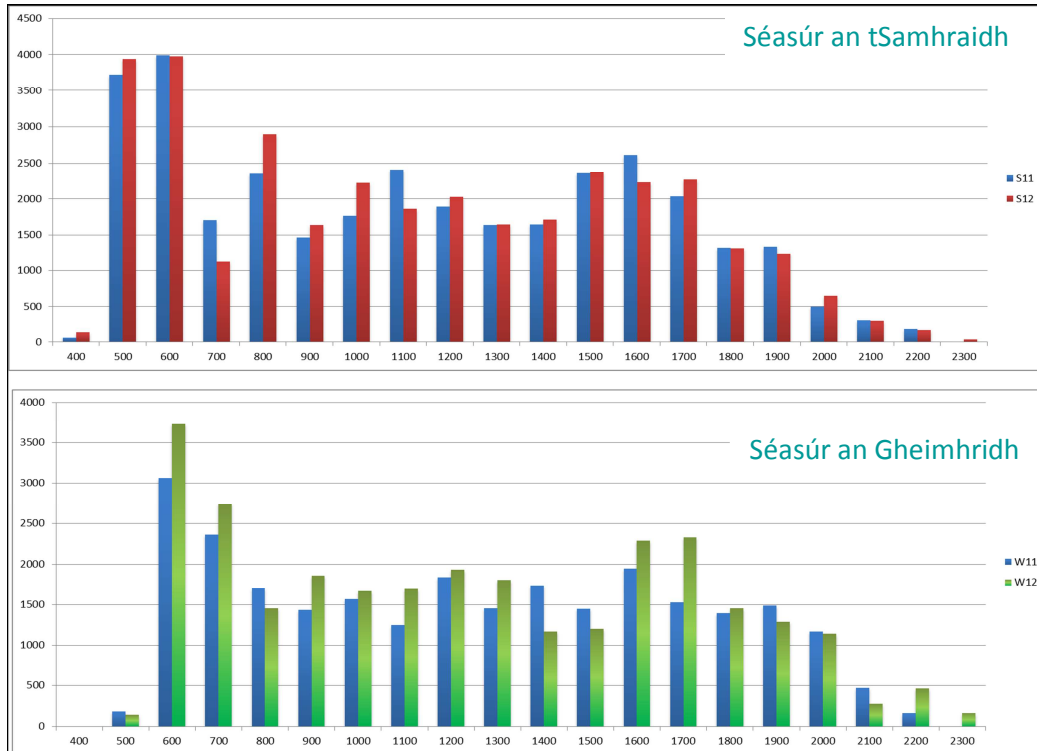
Is é Aerfort Bhaile Átha Cliath an t-aon aerfort in Éirinn a bhfuil comhordú á dhéanamh air de réir sealanna. D'ainmnigh an Coimisiún an t-aerfort mar aerfort atá comhordaithe de réir sealanna i mí Feabhra 2007. Is ar Airport Coordination Limited (ACL) a luíonn an fhreagracht laethúil as comhordú sealanna a dhéanamh ag aerfort Bhaile Átha Cliath, ar comhlacht é a ndearnadh athnuachan ar a chonradh mar chomhordaitheoir aerfoirt i mí an Mhárta go ceann cúig bliana eile. Bíonn ACL i mbun caidrimh laethúil le haeriompróirí chomh maith le bheith ag freastal ar chruinnithe faoi dhó in aghaidh na bliana ag aerfort Bhaile Átha Cliath. Bíonn an Coimisiún ag freastal ar na cruinnithe sin freisin.

Tháinig ardú suntasach ar an éileamh i rith na mbuaic-uaireanta, go háirithe i rith an gheimhridh, i gcomparáid leis an mbliain roimhe sin.

**Figiúr 2.2: Éilimh Paisinéirí ag Aerfort Bhaile Átha Cliath in aghaidh an lae, 2012 v. 2011**

<sup>11</sup> Trealamh Críochfoirt in Úsáid Choiteann.

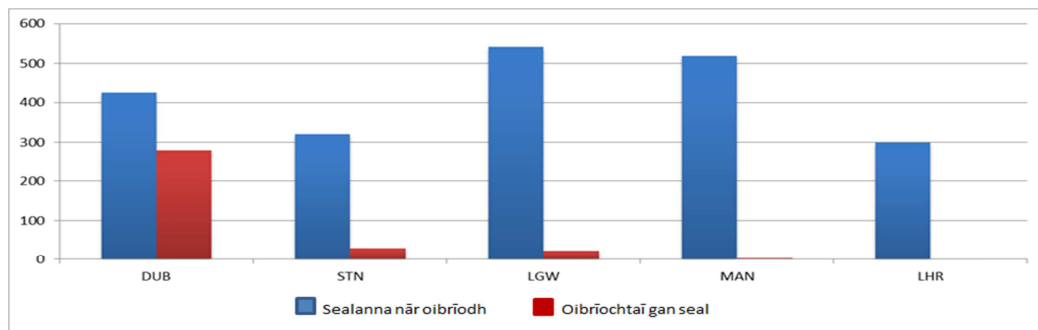




Foinse: Nóta ACL: Is ionann Séasúr an Gheimhridh agus an tréimhse ó mhí Dheireadh Fómhair 2012 go dtí mí an Mhárta 2013.

Tharla sé níos minice in aerfort Bhaile Átha Cliath ná i gceithre aerfort sa Ríocht Aontaithe go raibh oibríochtaí gan seal ann, mar atá léirithe sa chart thíos. Murab ionann agus an Ríocht Aontaithe, níl réimeas foirmeálta smachtbhannaí i bhfeidhm in Éirinn i dtaca le sealanna ina ngearrtar pionóis orthu siúd a sháraíonn na rialacha. Ina áit sin, ní féidir leis an gcomhordaitheoir faoi láthair ach “seilbh a ghlacadh arís” ar na sealanna marthanachta, nó gan iad a chionroinnt arís ar iompróirí a sháraíonn an rialacha cionroinnte.

Figiúr 2.3: Sealanna nár Oibríodh agus Oibríochtaí gan Seal – Samhradh 2012



Foinse: ACL

### Clár Oibre don bhliain 2013

Aidhm	Gníomhartha chun an aidhm sin a bhaint amach
Tús a chur le hobair ar an gcéad chinneadh eile a rialaíonn muirir aerfoirt ag aerfort Bhaile Átha Cliath	Páipéar Saincheisteanna a fhoilsiú
Comhairle a sholáthar maidir le hathruithe féideartha ar an réimeas sealanna	<p>Comhairle a sholáthar de réir mar a iarrtar é maidir le réimeas smachtbhannaí a thabhairt isteach</p> <p>Comhairle a sholáthar de réir mar a iarrtar é maidir leis an bpacáiste ‘aerfoirt níos fearr’ sa mhéid is a bhaineann sé le rialacháin sealanna</p>
Monatóireacht a dhéanamh ar chomhlíonadh na gcaidhpeanna reatha praghais agus a chinntiú go leanfar le hoibriú réidh an réimis sceidilithe reatha ag Aerfort Bhaile Átha Cliath	<p>Tuairiscí ráithiúla a fhoilsiú ar bhearta maidir le cáilíocht seirbhíse faoi choinne Údarás Aerfort Bhaile Átha Cliath agus Údarás Eitlíochta na hÉireann</p> <p>Freastal ar chruinnithe de Choiste Comhordaithe Aerfort Bhaile Átha Cliath agus a bheith i mbun teagmhála leis an ACL</p>

## CEADÚNÚ AGUS CEADANNA

### Ról an Choimisiúin

Déanann an Coimisiún na rudaí seo a leanas:

- aeriompróirí atá lonnaithe in Éirinn a cheadúnú, ar aeriompróirí iad a iompraíonn paisinéirí, postas nó lastas chun críche íocaíochta agus/nó fruilithe;
- gníomhairí taistil agus tionscnóirí turas a dhíolann taisteal thar lear a cheadúnú
- scéim bhannaí do ghníomhairí taistil agus do thionscnóirí turas a riar, agus éilimh aisíocaíochtaí agus aisdúichithe a phróiseáil sa chás ina dteipeann ar ghníomhaire taistil nó ar thionscnóir turas;
- líomhaintí faoi thrádáil mhídhleathach a imscrúdú agus, nuair is gá, trádálaithe mídhleathacha a ionchúiseamh; agus
- ceadanna a thabhairt do chomhlachtaí atá i mbun gníomhaíochtaí láimhseála ar an talamh, amhail aerárthaigh a chogairsiú, ualú/dí-ualú, athbhreoslú, láimhseáil bagáiste agus paisinéirí agus cothabháil aerárthach ag aerfort Bhaile Átha Cliath, Chorcaí agus Shionainne.

Ní chuimsítear na nithe seo a leanas i ról an Choimisiúin:

- rialú sábháilteachta, ar feidhm de chuid Údarás Eitlíochta na hÉireann é;
- socruithe taistil i ndáil le taisteal intíre in Éirinn a cheadúnú;
- gearáin a láimhseáil ó thomhaltóirí maidir le gníomhairí taistil, tionscnóirí turas, óstáin, bagáiste nó aerlínte;
- gearáin maidir le fógraíocht a láimhseáil (ach amháin sa chás ina mbaineann sé le trádáil a d'fhéadfadh a bheith mídhleathach a bheith ar bun).

Lean an Coimisiún leis ag déanamh riar ar an réimeas ceadúnaithe agus ar an réimeas faofa d'aeriompróirí, do láimhseálaithe ar an talamh agus do ghnólachtaí na trádála taistil in Éirinn. Mar atá léirithe i dTábla 3.1 thíos, ní raibh aon athrú sa bhliain 2012 ar líon iomlán na láimhseálaithe ar an talamh atá faofa, cé go raibh íslíú beag sna figiúirí i dtaca le gnólachtaí ceadúnaithe taistil agus le haeriompróirí.

Tábla 3.1: Líon na gCeadúnas agus na gCeadanna atá faofa ag an gCoimisiún

	Aer- iompróirí	Láimhseálaithe ar an talamh		Gníomh- airí Taistil	Tionsc- nóirí Turas
		Féinláimh-seáil	Tríú Páirtí		
<b>Sealbhóirí ceadúnas, 1 Eanáir 2012</b>	<b>15</b>	<b>12</b>	<b>36</b>	<b>223</b>	<b>53<sup>12</sup></b>
Ceadúnais / ceadanna nua	1	0	1	10	4
Ceadúnais aisghairthe / ghéillte	2	0	1	13	4
<b>Sealbhóirí ceadúnas, 31 Nollaig 2012</b>	<b>14</b>	<b>12</b>	<b>36</b>	<b>220</b>	<b>53</b>

Foinse: An Coimisiún

### Ceadúnú Aeriompróirí

Bhí ceadúnas ón gCoimisiún ag 14 aerlíne ag deireadh na bliana 2012. Rinneadh monatóireacht ar shealbhóirí ceadúnas i rith na bliana i dtaca le comhlíonadh na reachtaíochta a bhaineann le clúdach árachais, úinéireacht agus rialú agus maidir le hoiriúnacht airgeadais. Eisíodh dioscaí ceadúnais d'oibritheoirí aerárthach agus héileacaptar le haghaidh a dtaispeána i ngach ceann de na haerárthaigh atá liostáilte ar a nDeimhnithe Aeroibritheoirí. D'fhaomhamar sé iarratas ó aerlínte na hÉireann aerárthaigh atá cláraithe lasmuigh den Aontas Eorpach a léasú ar bhonn feistithe.

Bhí aeriompróir ceadúnaithe amháin níos lú ann ag deireadh na bliana 2012 i gcomparáid leis an mbliain roimhe sin. Fuarthas dhá iarratas nua ar cheadúnas oibriúcháin; eisíodh an ceadúnas i gcás amháin agus sa chás eile, bhí an t-iarratas á bhreithniú i gcónaí ag deireadh na bliana 2012. Rinne an Coimisiún ceadúnas oibriúcháin amháin a aisghairm i ndiaidh mainneachtain na cuideachta na riachtanais ábhartha a chomhlíonadh. Luaigh oibritheoir eile cúiseanna eacnamaíocha agus a cheadúnas oibriúcháin á ghéilleadh go toilteanach aige. Bíonn ceadúnais á n-athbhreithniú den chéad uairdhá bhliain tar éis a mbronnta. Bhí athbhreithniú amháin dá leithéid sa bhliain 2012. Ní dhearnadh aon athrú ar an gceadúnas.

Leanamar orainn i mbun monatóireachta ar staid airgeadais aeriompróirí. Rinneadh athstruchtúrú ar aerlíne amach sa bhliain 2012. Athrú úinéireachta a bhí i gceist ansin, agus rinneadh imscrúdú air i dtéarmaí riachtanais úinéireachta agus rialaithe na rialachán maidir le ceadúnú aerlínte. Bhí an t-athbhreithniú sin ar siúl ag deireadh na bliana 2012 agus táthar ag súil le cinneadh deiridh sa bhliain 2013.

<sup>4</sup> Tugadh 63, ar figiúr míchruinn é, i dtuarascáil na bliana seo caite.

Rinne an Coimisiún imscrúdú ar úinéireacht dhá shealbhóir eile ceadúnais. Bhíomar sásta sa dá chás go raibh na riachtanais úinéireachta agus rialaithe á gcomhlíonadh i gcónaí.

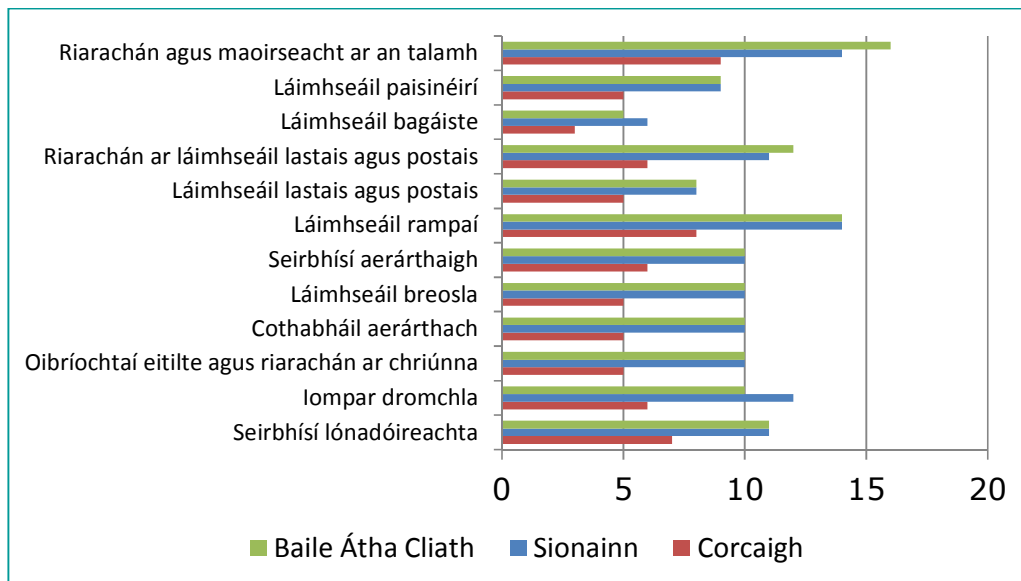
Is féidir iarratas ar cheadúnas oibriúcháin a dhéanamh ar líne ó bhí deireadh na bliana 2011 ann. Fuair an Coimisiún dhá iarratas den chineál sin sa bhliain 2012. D'fhoilsíomar treoir d'úsáideoirí faoin gcaoi le clárú chun an córas iarratais ar líne a úsáid, agus tá ábhair eile á bhforbairt againn chun cabhrú le hiarratais ar líne.

### Ceadanna do Chomhlachtaí Láimhseála ar an Talamh

Bhí faomhadh ag 48 comhlacht ón gCoimisiún ag deireadh na bliana 2012 seirbhísí láimhseála ar an talamh a sholáthar ag aerfort Bhaile Átha Cliath, Corcaí agus Shionainne. Bíonn na comhlachtaí sin ag gabháil do ghníomhaíochtaí mar chogairsiú aerárthach, aerárthaigh a ualú/dhí-ualú, athbhreoslú, láimhseáil bagáiste agus paisinéirí agus cothabháil aerárthach. Léiríonn Figiúr 3.1 thíos anailís ar na cineálacha seirbhísí láimhseála ar an talamh atá á dtairiscint ag gach aerfort.

Tá faomhadh ag 12 as na 48 comhlacht a gcuid láimhseála féin a dhéanamh (sa chás ina soláthraíonn an aerlíne féin a seirbhísí láimhseála ar an talamh) agus ag 36 do láimhseáil tríú páirtí. Tá ról dúbáilte ag ceithre cinn acu, agus bíonn siad ag gabháil do féin-láimhseáil agus do láimhseáil tríú páirtí.

**Figiúr 3.1: Soláthróirí Faofa Seirbhísí Láimhseála ar an Talamh de réir Gníomhaíochta, 2012**



Foinse: An Coimisiún

Eisítear na ceadanna ar feadh tréimhse cúig bliana. D'athnuaigh an Coimisiún cúig chead sa bhliain 2012. Ghéill sealbhóir tríú páirtí amháin

nach raibh ag gabháil don ghníomhaíocht a thuilleadh ceann amháin acu, agus tugadh cead nua amháin.

Áiríodh moltaí maidir le Rialachán nua Láimhseála ar an Talamh in 'Pacáiste Aerfoirt' Choimisiún na hEorpa. Thugamar tuairimí maidir leis an dréacht reachtaíochta mar a iarradh orainn. Dhiúltaigh Parlaimint na hEorpa téacs an Rialacháin mholta i mí na Nollag 2012 agus chuir siad faoi bhráid Choiste Iompair Pharlaimint na hEorpa arís é le haghaidh tuilleadh plé.

## Ceadúnú don Trádáil Taistil

Dheonaigh an Coimisiún ceadúnas do 273 gnólacht taistil sa bhliain 2012. Bhí íslíú beag (3) i líon na ngníomhairí taistil ach ní raibh athrú ar líon na dtionscnóirí turas. Ba í 2012 an dara bliain as a chéile nár theip ar aon ghnólacht ceadúnaithe agus, ar an ábhar sin, níor ghá dúinn aisíocaíochtaí a riar ná aisdúichithe a eagrú.

Déanann an Coimisiún táscairí áirithe feidhmíochta a thaifead agus a fhoilsiú, lena n-áirítear táscairí maidir lenár n-obair cheadúnaithe. Baineann cuid dár n-obair cheadúnaithe maidir leis an trádáil taistil le litir a eisiúint chuig iarratasóirí a chuireann comhairle orthu a dhul ar aghaidh agus banna a iarraidh; tugaimid litir cinneadh i bprionsabal air sin. Is í an aidhm atá againn a leithéid de litir a eisiúint laistigh de mhí amháin d'iarratas comhlánaithe a bheith faighte. Bhaineamar amach ár sprioc i gcás 81% d'iarratas sa bhliain 2011, agus laghdaigh an figiúr sin go dtí 46% sa bhliain 2012. I measc na gcúiseanna a bhí leis an laghdú sin, bhí líon foirne níos lú agus grinnscrúdú níos géire a bheith á dhéanamh ar iarratais sula n-eiseofaí a leithéid de litreacha. Mar sin féin, d'éirigh linn an t-am sin a shábháil níos deireanaí sa phróiseas sa mhéid is go bhfuair gach iarratasóir incháilithe sa bhliain 2012 a gceadúnais roimh dháta athnuachana an cheadúnais.

Fuaireamar 18 ngearán maidir le trádáil a d'fhéadfadh a bheith mídhleathach. Ní raibh aon ghníomh eile ag teastáil i dt trí chás. Maidir leis an 15 chás eile, táimid i dteagmháil leis na haonáin sin chun a dhearbhú cé acu a tharla aon ghníomhaíocht neamhcheadúnaithe nó nár tharla agus chun an gníomh atá le déanamh i ngach cás a shocrú.

Tá leas bainte ag 48 sealbhóir ceadúnais go dtí seo as an díolúine ó chuntais iniúchta a chur ar fáil.

Thugamar cuairt ar áitreabh gnó 42 sealbhóir ceadúnais sa bhliain 2012 chun a dhearbhú go raibh taifid chuí á gcoinneáil acu agus go raibh na riachtanais dhlíthiúla á gcomhlíonadh acu seachas sin.

Táthar ag fanacht le tuarascáil deiridh leachtóir Fáilte Travel Ltd. Tá imeachtaí dlí ar leithligh tionscanta ag an gCoimisiún agus é ag iarraidh go n-íocfadh banc an banna a thug sé do Portlaoise Travel Ltd. Tá an Coimisiún ag cosaint caingean dlí atá tionscanta ag gníomhaire taistil atá ag iarraidh aisghabháil an airgid a chaith sé tar éis dó seilbh a ghlacadh ar na háirithintí a bhí déanta ag custaiméirí ar imir teip gnólachta eile

tionchar orthu. Mar fhocal scoir, theip ar Manorcastle Ltd, a bhí i mbun trádála mar United Travel roimhe seo, dhá dhámhachtain costais a rinne an Ardchúirt ina choinne i bhfábhar an Choimisiúin a urscaoileadh, ar suim €140,927 í. Díscríobhadh an méid sin mar dhrochfhiach inár Ráitis Airgeadais don bhliain 2012.

Baintear úsáid as an gCiste Cosanta Taistealaithe sa chás ina gcliseann ar na bannaí atá curtha ar fáil ag tionscnóirí turas agus ag gníomhairí taistil na costais a bhaineann le haisdhúichiú, aisíocaíochtaí do chustaiméirí agus speansais riaracháin an Choimisiúin agus na héilimh á bpróiseáil aige a chlúdach go hiomlán. Is é €5,146,054 an t-iarmhéid a bhí sa chuntas ag deireadh na bliana 2012.

Éilítear ar thionscnóirí turas bannaí a sholáthar gach bliain arb ionann iad agus 10% dá láimhdeachas incheadúnaithe intuartha (PLTO). Éilítear ar ghníomhairí taistil déanamh amhlaidh agus 4% atá i bhfeidhm ina gcás siúd. Taispeántar sa tábla thíos luach na mbannaí agus an láimhdeachais incheadúnaithe intuartha do na blianta 2012 agus 2011.

**Tábla 3.2: Láimhdeachas Incheadúnaithe Intuartha agus bannú iomlán an tionscail taistil, 2012**

Aonáin cheadúnaithe	Athrú ar luach bannaí	2012	2012	2011	2011
	€m	€m	€m	€m	€m
		Banna	Láimhdeachas Incheadúnaithe Intuartha	Banna	Láimhdeachas Incheadúnaithe Intuartha
Tionscnóirí turas	1.1	20.0	200.0	18.9	189.6
Gníomhairí taistil	3.3	37.3	933.6	34.0	851.6
Figiúirí iomlána	4.4	57.3	1133.6	52.9	1,041.2

Ní áirítear sa láimhdeachas thuas na méideanna a bhfuiltear ag súil leo ó na codanna sin de ghnólachtaí taistil nach bhfuil incheadúnaithe.

## Clár Oibre don bhliain 2013

Aidhm	Gníomhartha chun an aidhm a bhaint amach
Leanúint le riaradh na réimeas ceadúnaithe agus faofa d'aeriompróirí, do láimhseálaithe ar an talamh agus do ghnólachtaí sa trádáil taistil	Iarratais a phróiseáil go tráthúil agus monatóireacht a dhéanamh ar chomhlíonadh ag na sealbhóirí reatha ceadúnas  Éilimh ar aisíocaíochtaí agus ar aisdhúichiú a phróiseáil, nuair atá gá leis  Imscrúdú a dhéanamh ar thuairiscí go bhfuil trádáil taistil neamhcheadúnaithe ann
Moladh an AE maidir le Rialachán athbhreithnithe i ndáil le Láimhseáil ar an Talamh	Monatóireacht a dhéanamh ar fhorbairtí ar bhonn leanúnach  Comhairle a chur ar fáil agus freastal ar chruinnithe de réir mar a theastaíonn sé



## CEARTA AERPHAISINÉIRÍ

### Ról an Choimisiúin

Maidir le gach eitilt atá le fágáil as aerfoirt na hÉireann agus eitiltí a thagann isteach chuig aerfoirt na hÉireann ó thíortha lasmuigh den Aontas Eorpach (chomh fada is gur eitiltí a bhí á bhfeidhmiú ag aeriompróirí a bhí ceadúnaithe ag an Aontas Eorpach iad), tá freagracht orainn gearáin a fhiosrú i ndáil le:

- heitiltí a chuirtear ar ceal;
- heitiltí a bhfuil moill dhá uair an chloig ar a laghad orthu; agus
- tráthanna nach gceadaítear do phaisinéir dul ar bord nó nuair a bhíonn íosghrádú i gceist.

Fiosraímid gearáin freisin maidir leis an gcúnamh a fhaigheann siad siúd a bhfuil míchumas orthu agus daoine a bhfuil soghluaisteacht laghdaithe orthu agus iad:

- ag déanamh áirithinte;
- ag taisteal trí aerfort in Éirinn; agus
- ar bord aerárthaigh a d'fhág ó aerfort de chuid na hÉireann.

Níl sé d'údarás againn déileáil le gearáin a bhaineann le:

- bagáiste, cánacha agus táillí aerlínte, formhuirir breosla san áireamh;
- hearráidí maidir le háirithintí nó le ticéid agus fadhbanna maidir le víosaí;
- haisíocaíochtaí mar gheall ar thinneas nó ar mhéala;
- fógraíocht bhréagach;
- seirbhísí ar bord ná fadhbanna a thagann chun cinn le linn na heitilte;
- paisinéirí a bhíonn mall don tseiceáil isteach;
- coinníollacha áirithinte na haerlíne agus fadhbanna a bhaineann leis an láithreán gréasáin; agus
- saincheisteanna a bhaineann le sábháilteacht.

### Gearáin Paisinéirí

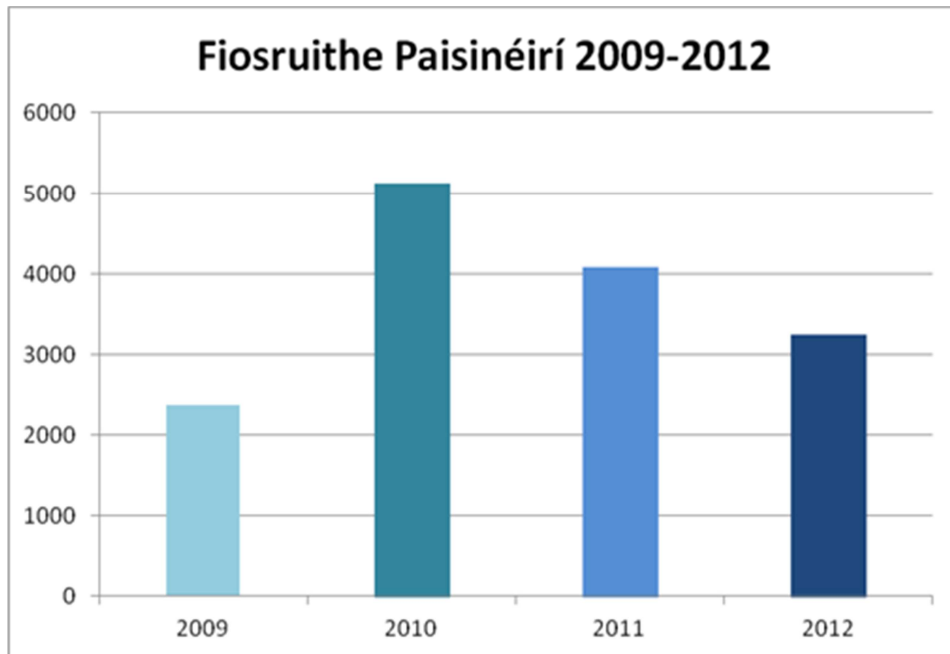
Fuair an Coimisiún 3,272 fiosrú ón bpobal sa bhliain 2012. Is laghdú isteach is amach le 20 faoin gcéad é seo ón 4,105 fiosrú a fuarthas sa bhliain 2011.

Rinneadh iniúchadh ar gach ceann den 3,272 fiosrú a fuarthas sa bhliain 2012 maidir le cearta aerphaisinéirí faoi na rialacháin a bheith á sárú. Tháinig muid ar an gconclúid gur bhain 2,449 fiosrú le hábhair nach bhfuil aon fhreagracht ar an gCoimisiún ina leith. Chuamar i dteagmháil sna cásanna sin leis an duine a rinne an fiosrú agus threoraíomar chuig an gcomhlacht iad nó chuig an údarás a bhí in acmhainn déileáil lena ngearán

(áit a raibh an t-eolas sin againn). Bhí an fhéidearthacht ann gur sárú ar an Rialachán 807 de na fiosruithe agus caitheadh dá bhrí sin leo mar ghearáin bhailí. (Bhain an 16 fhiosrú eile le daoine a raibh soghluaisteacht laghdaithe acu.)

Mar a léiríonn an chart thíos, bhí líon níos airde fiosruithe ann sa bhliain 2012 le hais na bliana 2009, ainneoin gur laghdú é sin ar an líon ard a bhí ann sna blianta 2010 agus 2011.

**Figiúr 4.1: Fiosruithe Paisinéirí 2009-12**



*Foinse: An Coimisiún*

### **Eitiltí a Cuireadh ar Ceal, a raibh Moill orthu, Diúltú Bordála agus Íosghráduithe**

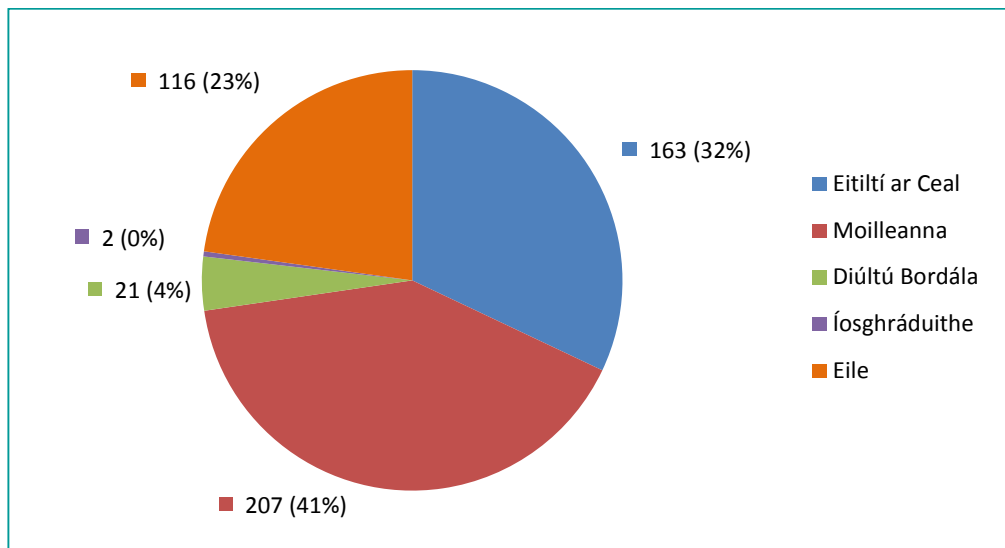
Mar a léiríonn an tábla thíos, bhain an chuid is mó den 807 gearán bailí a fuarthas le heitiltí a bheith á gcur ar ceal nó moill a bheith ar eitiltí seachas tráthanna nár ceadaíodh do phaisinéirí bordáil nó tráthanna a raibh íosghrádú i gceist. Bhain beagnach 37% le heitiltí a d'fhág ó aerfoirt i mBallstáit eile nó le heitiltí a bhí á bhfeidhmiú ag iompróirí atá ceadúnaithe ag an AE agus a tháinig isteach chuig aerfoirt i mBallstáit eile ón tríú tír (e.g. na Stáit Aontaithe). Chuireamar na gearáin sin ar aghaidh chuig an gcomhlacht forfheidhmiúcháin náisiúnta inniúil le haghaidh tuilleadh fiosraithe, i ndiaidh dúinne réamhscagadh a dhéanamh chun muid féin a shásamh gur tháinig siad laistigh de réimse na rialachán a bhaineann le cearta aerphaisinéirí.

Tábla 4.1: Miondealú ar Ghearáin a bhain le Cearta Aerphaisinéirí sa bhliain 2012

Cineál Gearáin	An Coimisiún um Rialáil Eitlíochta	Comhlacht Forfheidhmiúcháin Náisiúnta eile	Iomlán	%
Cealú	163	81	244	30
Moill Fhada	207	150	357	44
Diúltú Bordála	21	25	46	6
Íosghrádú	2	0	2	1
Eile	116	42	158	19
<b>Eile</b>	<b>509</b>	<b>298</b>	<b>807</b>	<b>100</b>

Ba í an bhliain 2012 an chéad bhliain inar bhain tromlach mór na ngearán le heitilt ar cuireadh moill orthu. D'fhéadfadh sé sin a bheith ina léiriú ar fheasacht níos leithne i measc an phobail ar an réimeas um chearta aerphaisinéirí agus ar rialú Chúirt Bhreithiúnais an Aontais Eorpaigh sa bhliain 2009 i gcomhchásanna Sturgeon agus Bock inar rialaíodh go bhfuil paisinéirí a thagann i dtír ina gceann scríbe deireanach trí huairé nó níos mó tar éis an ama a bhí sceidealta<sup>13</sup> i dteideal cúitimh mura bhfuil an t-aeriompróir in ann a chruthú gur ceart díolúine a bheith i bhfeidhm<sup>14</sup>.

Figiúr 4.2: Cineál na nGearán a bhain le Cearta Aerphaisinéirí a ndearnadh imscrúdú orthu sa bhliain 2012



Foinse: An Coimisiún

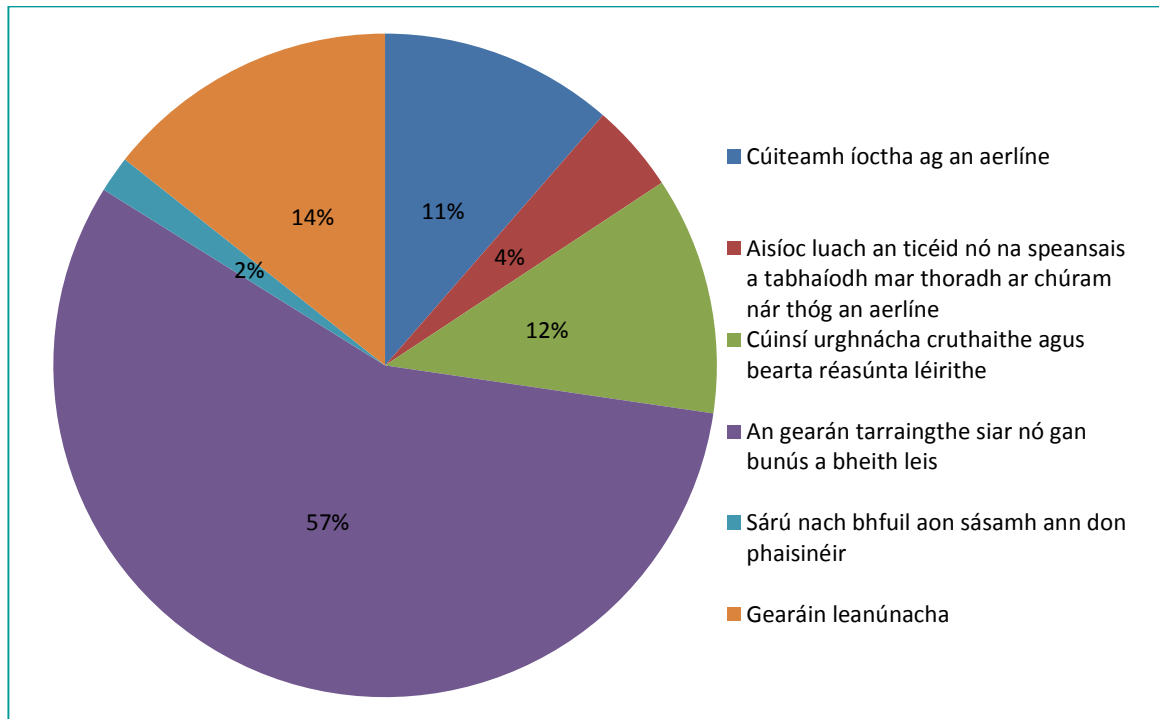
<sup>13</sup> Mar thoradh ar mhoill.

<sup>14</sup> Thug aeriompróirí i gcás TUI Travel dúshlán rialú 2009 ina dhiaidh sin. Dheimhnigh breithiúnas Chúirt Bhreithiúnais an Aontais Eorpaigh ina dhiaidh sin arís, i mí Dheireadh Fómhair 2012, rialú bunaidh Sturgeon agus Bock.

Bhí 509 gearán le himscrúdú ag an gCoimisiún. Tá torthaí na ngearán sin (amhail lár mhí Feabhra 2013) curtha i láthair i bhFigiúr 4.3. Tá 436 imscrúdú críochnaithe ag an gCoimisiún, agus tá 73 á bhfiosrú i gcónaí. Fuarthas i gcás 297 cás nach raibh bunús leis an ngearán faoin Rialachán, gur tharraing an paisinéir an gearán siar, nó gur bhain siad le sárú nach raibh aon sásamh ar fáil don phaisinéir ina leith. Fuarthas i gcás 59 cás go raibh cúinsí urghnácha i gceist agus gur thug an aerlíne faoi bhearta réasúnacha chun iad a sheachaint. Íocadh cúiteamh leis an bpaisinéir in 58 cás, agus in 22 cás eile fuair an custaiméir aisíoc ar chostas a dticéid agus/nó íocadh a speansais ar ais.

Maidir leis na gearáin a rinneadh sna blianta roimhe seo, tá gach ceann de na 264 gearán a fuarthas sa bhliain 2010 réitithe anois seachas ceann amháin. Ag deireadh na bliana 2011, bhí 222 den 626 gearán a fuarthas le réiteach fós. Tá 208 acu sin tugtha chun críche anois freisin, figiúr a fhágann gur 747 an líon cás atá tugtha chun críche sa bhliain 2012. Cuireadh moill ar réiteach go leor de na gearáin níos sine fad is a bhíodhas ag fanacht le cinneadh ó Chúirt Bhreithiúnais an Aontais Eorpaigh i ndáil leis an gceart ar chúiteamh i gcásanna moille.

**Figiúr 4.3: Torthaí ar Ghearáin a bhain le Ceartha Aerphaisinéirí a ndearnadh imscrúdú orthu sa bhliain 2012**



Déanann Tábla 4.2 thíos comparáid idir na torthaí do na blianta 2010-2012.

**Tábla 4.2: Gearáin na bliana 2012 a raibh Aisíoc nó Cúiteamh mar thoradh orthu**

Réiteach	2012	2011	2010
Cúiteamh íoctha ag an aerlíne don phaisinéir	58	18	5
Ní raibh cúiteamh le híoc – léirigh an aerlíne go raibh cúinsí urghnácha ann agus go ndearnadh gach beart réasúnach chun moill nó cealú a sheachaint	80	252	11
D'aisíoc an aerlíne costas an ticéid agus/nó d'íoc sí as na speansais a tabhaíodh	27	183	28

Foinse: An Coimisiún

### Daoine a bhfuil Soghluaisteacht Laghdaithe acu

Fuair an Coimisiún 16 fhiosrú i rith na bliana i ndáil le daoine a bhfuil soghluaisteacht laghdaithe acu. Bhain seacht gcinn acu sin le saincheistanna a tháinig chun cinn sula ndearnadh an áirithint ach ní sárúithe féideartha ar an Rialachán a bhí iontu. Gearáin bhailí a bhí sa 9 gearán eile a bhain le cúnamh:

- Ag am na háirithinte;
- Ón gcomhlacht bhainistíocht aerfoirt ag an aerfort;
- Ar an aerárthach ón aeríompróir.

Bhain ceithre cinn de na gearáin sin le Comhlachtaí Forfheidhmiúcháin Náisiúnta i mBallstáit eile agus cuireadh ar aghaidh chucu iad le haghaidh a bhfiosraithe i ndiaidh do réamh-athbhreithnithe a bheith tugtha chun críche. Is faoi dhualgas an Choimisiúin a tháinig trí ghearán agus rinneadh imscrúdú cuí orthu agus cuireadh clabhsúr orthu. Níor aimsíodh aon sárú ar an Rialachán in aon cheann de na cásanna. Comh-imscrúdú a bhí i gceist leis an dá ghearán eile idir an Coimisiún agus Comhlacht Forfheidhmiúcháin Náisiúnta eile. Sa dá chás, tá a chuid den imscrúdú déanta ag an gCoimisiún agus is faoi bhráid Chomhlachtaí Forfheidhmiúcháin Náisiúnta atá siad faoi láthair.

### Freagra lucht an tionscail ar ghearán ó phaisinéirí

Tá an réimeas um chearta paisinéirí á fhorfheidhmiú ag an gCoimisiún le 8 mbliana anois. Táimid i mbun teagmhála forleithne leis na haerlínte chun a chinntiú go dtuigeann siad na dualgais atá orthu go soiléir, go bhfuil cearta paisinéirí le cur i bhfeidhm ag an am a gcuirtear isteach ar a dturas oiread agus is féidir, agus sa chás nach bhfuil sé sin indéanta agus go ndéantar gearán dá bharr, go dtabharfaí freagra cuimsitheach orthu agus go ndéanfaí é sin ar an gcaoi a samhlaítear sa reachtaíocht.

Tá sé tugtha faoi deara againn go bhfuil an cur chuige chun gearáin a láimhseáil níos éifeachtaí ag roinnt aeríompróirí thar a chéile. Is iad na tairbhí a bhaineann leis an réimeas um chearta paisinéirí ina bhfuil tuiscint shoiléir ag gach páirtí ar a gcuid dualgas comhlíonadh níos fearr sa chás ina gcuirtear isteach ar eitilt, agus láimhseáil níos fearr ar aon ghearán a thagann chun cinn ina dhiaidh sin. Cuireann sé sin, ar a uain, le cáil na haerlíne agus cabhraíonn sé chomh maith lenár gcostais agus, dar linn, lena gcostais siúd a laghdú.

Tá éabhlóid nach beag tagtha ar an gcumarsáid idir an Coimisiún agus lucht an tionscail ó na laethanta tosaigh nuair ba mhinic a chuir aerlínte go mór in aghaidh an réimis um chearta aerphaisinéirí agus nuair ba mhalltriallach an sruth eolais ó iompróirí go dtí an Coimisiún maidir le gearáin. Sa lá atá inniu ann, comhoibríonn tromlach na n-aerlínte a mbímid ag obair leo go hiomlán i rith an phróisis chun gearáin a láimhseáil sa mhéid is nach mbíonn fad le cásanna ach amháin na cásanna casta nó cásanna atá ar feithemh ar chásdlí.

Ar an drochuair, níor chomhoibrigh gach aeriompróir go hiomlán de réir na reachtaíochta agus le blianta beaga anuas bhí ar an gCoimisiún dul i ngleic go minic le American Airlines, le hAer Lingus agus le Turkish Airlines agus fad scéil a bhaint as cásanna a chreidimid a bheith inleigheasta go réidh. Ag tús na bliana 2012, bhain go leor de na cásanna a bhí ag tógáil níos faide ná ba cheart le réiteach leis na haerlínte sin. Tháinig feabhas áirithe ar an scéal sin sa dara leath den bhliain 2012. Leanaimid orainn de bheith ag lorg tuilleadh feabhais ó na haeriompróirí sin; mar sin féin, d'fhéadfadh gníomhartha breise forfheidhmithe a bheith riachtanach mura mbainfí amach agus mura gcoinneofaí an caighdeán i rith na míonna amach romhainn.

## Obair eile

Chomh maith le fiosruithe agus gearáin a láimhseáil, lean an Coimisiún lena chuid oibre sa bhliain 2012 chun feasacht tomhaltóirí a ardú maidir le cearta paisinéirí. Bhí seastán eolais againn ag aonach Holiday World 2012 i mBaile Átha Cliath agus ghlacamar páirt sa dara imeacht bliantúil de chuid Lá Chearta na nAerphaisinéirí a reáchtáladh ag Aerfort Bhaile Átha Cliath i mí Iúil.

Thugamar faoi ocht gcigireacht aerfoirt chun a chinntiú

- go raibh aeriompróirí ag comhlíonadh na rialachán maidir le haerphaisinéirí; agus
- go raibh comhlachtaí bainistíochta aerfoirt ag comhlíonadh a n-oibleagáidí do phaisinéirí atá faoi mhíchumas agus a bhfuil soghluaisteacht laghdaithe acu.

Lean an Coimisiún leis ag gabháil leis an AE agus le Comhlachtaí Forfheidhmiúcháin Náisiúnta eile chun cur chuige comhchuibhithe i dtaca le cur i bhfeidhm na rialachán a éascú. Chabhraíomar sa bhliain 2012 le dréachtú agus le bail críche a chur ar na 'Treoirínte Léirmhínteacha maidir le feidhmiú Rialachán 1107' agus, ar iarratas ó Choimisiún na hEorpa, ghlacamar páirt i nGrúpa Oibre ar sannadh an tasc air imscrúdú a dhéanamh ar fhoráil na 'gcúinsí urghnácha' i Rialachán 261 i bhfianaise an athmhúnlaithé ionchasaigh atá le déanamh ar an reachtaíocht seo.

## Clár Oibre don bhliain 2013

Aidhm	Gníomhartha chun an aidhm a bhaint amach
Comhlíonadh dlíthe an AE maidir le cearta paisinéirí a chinntiú	Imscrúdú a dhéanamh ar ghearáin a gheobhfar Cigireacht a dhéanamh ar aerfoirt
Feasacht an phobail maidir le saincheisteanna a bhaineann le cearta aerphaisinéirí a ardú	Eolas a sholáthar ag imeachtaí feiliúnacha an tionscail agus ar ár láithreán gréasáin
Treoirínte a fhorbairt maidir le feidhmiú ceart na forála a bhaineann le ‘cúinsí urghnácha’ agus liosta cuimsitheach samplaí atá aitheanta agus a bhfuil comhaontú maidir leo ann a thiomsú	Páirt ghníomhach a ghlacadh i nGrúpa Oibre an AE agus cur le hobair an Ghrúpa sin

# FEIDHMEANNA RIARACHÁIN AGUS DLÍTHIÚLA

## Acmhainní Daonna

Bhí 15 bhall foirne ag an gCoimisiún sa bhliain 2012 ar an meán (cóibhéis lánaimseartha), i gcomparáid leis an liúntas faoi rialacha an Chreata Rialacha Fostaíochta, arb ionann é agus 18 bpost. D'earcaíomar eacnamaí nua amháin agus líonamar dhá phost trí athlonnú. D'fhill beirt a bhí ar iasacht ón Roinn Iompair, Turasóireachta agus Spóirt ar a dhul in éag dá dtréimhsí iasachta ag deireadh na bliana, agus tháinig duine amháin ar iasacht ón Údarás um Shábháilteacht ar Bhóithre go dtí an Coimisiún. Tá súil againn dhá fholúntas a líonadh sa bhliain 2013.

Tá baill foirne á n-íoc ag ráta atá nasctha go díreach le poist sa Státseirbhís agus faofa ag an Roinn Airgeadais.

Ba €199,210 tuarastal agus costais phinsin bhall an Choimisiúin sa bhliain 2012. Níor cuireadh aon tairbhe eile ar fáil.

Feidhmíonn an Coimisiún dhá scéim aoisliúntais, ar bunaíodh iad mar a éilíodh faoin Acht um Rialáil Eitlíochta 2001. Taispeánann athbhreithniú achtúireachta ar na dliteanais phinsin gur laghdaigh easnamh scéim na bliana 2011, arb ionann é agus €252,733, go dtí €42,513 ag deireadh na bliana 2012, de réir na rialacha FRS17. Tá an Coimisiún ag súil €102,643 a chur leis an gciste pinsin sa bhliain 2013. Níl scéimeanna pinsin an Choimisiúin faofa go hiomlán ag an Roinn Iompair, Turasóireachta agus Spóirt ná ag an Roinne Airgeadais fós. Ábhar imní tromchúiseach an staid seo do bhainisteoirí agus d'fhoireann na hoifige agus don choiste iniúchta sheachtraigh chomh maith le hÍontaobhaithe an chiste pinsin.

## Dualgais Riaracháin

Déanann an Coimisiún a dhícheall na forálacha ábhartha den Chód Cleachtais um Rialachas Comhlachtaí Stáit a chomhlíonadh. De dheasca nádúr a chuid gníomhaíochtaí agus an líon foirne atá aige a bheith beag, níl feidhm ag gnéithe áirithe den Chód. Tá tuilleadh eolais sa chuid eile den rannán seo faoin gcaoi ar chomhlíon an Coimisiún an Cód.

D'ídigh an Coimisiún 1,849 cileavata fuinnimh sa bhliain 2012 i gcomparáid le 2,134 sa bhliain 2011.

## Trédhearcacht agus Saoráil Faisnéise

Cuireann an Coimisiún um Rialáil Eitlíochta a chuid dualgas i gcric chomh trédhearcach agus is féidir. Foilsítear páipéir chomhairliúcháin, fógraí, doiciméid tacaíochta, freagraí ó gheallsealbhóirí agus cinntí rialála ar ár láithreán gréasáin [www.aviationreg.ie](http://www.aviationreg.ie). Tá an liosta doiciméad a d'fhoilsigh an Coimisiún sa bhliain 2012 liostáilte san aghuisín. Tá sonraí faoi orduithe



ceannaigh a bhfuil luach níos mó ná €20,000 orthu á bhfoilsíú ar a láithreán gréasáin ó mhí an Mhárta 2012 ar aghaidh.

Ní dhearnadh aon iarratas faoin reachtaíocht um Shaoráil Fáisnéise sa bhliain 2012.

### Dlíthíocht

D'íoc Ryanair suim arb ionann í agus €205,134.42 leis an gCoimisiún i mí Feabhra 2012 mar réiteach ar chostais dlí an Choimisiúin ag éirí as na trí chás seo a leanas:

- (iv) Athbhreithniú Dlíthiúil ar chinneadh 2005 aerfort Bhaile Átha Cliath a ainmniú mar aerfort comhordaithe.
- (v) Athbhreithniú Dlíthiúil ar chinneadh 2007 aerfort Bhaile Átha Cliath a ainmniú mar aerfort comhordaithe.
- (vi) An tAthbhreithniú Dlíthiúil ar an Athbhreithniú Eatramhach ar Chinneadh 2005 maidir le Muirir Aerfoirt.

### Coiste Iniúchta

Tháinig an Coiste Iniúchta le chéile 4 huairé sa bhliain 2012. Tugadh faisnéis mhionsonraithe don Choiste ag gach cruinniú faoi obair an Choimisiúin um Rialáil Eitlíochta. D'fhreastail an Coimisinéir ar roinnt de na cruinnithe sin, nó ar gach ceann acu. D'fhreastail baill foirne an Choimisiúin um Rialáil Eitlíochta agus ionadaithe ó na hIniúcháirí Inmheánacha ó am go chéile orthu. Is iad seo a leanas na réimsí a raibh athbhreithniú á dhéanamh orthu sa bhliain 2012:

- An clár rioscaí
- Rialuithe inmheánacha airgeadais
- An cód cleachtais um rialachas comhlachtaí stáit.

Bhí an Coiste Iniúchta sásta le socruithe an Choimisiúin um Rialáil Eitlíochta sna réimsí sin.

Cód Iompair an Choimisiúin	Tá Cód Iompair ag an gCoimisiún dá fhostaithe. Baineann <i>Cóid Caighdeán agus Iompraíochta na Státseirbhíse</i> le baill foirne atá ar iasacht ón Roinn Iompair.
Iniúchadh Inmheánach	Ceapann an Coimisiún gnólacht iniúcháirí chun tabhairt faoi a fheidhm iniúchta inmheánaigh. Feidhmíonn an t-iniúcháir inmheánach faoi threoir choiste iniúchta sheachtraigh. Sa bhliain 2012, sheol D'Arcy Lynch iniúchtaí ar shlándáil an láithreáin ghréasáin, ar chur i bhfeidhm moltaí a rinneadh mar thoradh ar iniúchtaí roimhe sin, athbhreithniú ar idirbhearta airgeadais agus athbhreithniú ar ár Ráiteas maidir le Rialuithe Inmheánacha Airgeadais. Rinne an Coimisinéir, bainisteoirí sinsearach agus an Coiste Iniúchta athbhreithniú ar na tuairiscí sin.
Soláthar	Comhlíonann nósanna imeachta an Choimisiúin treoirlínte agus

	<p>treoracha náisiúnta, agus sa chás gur infheidhmithe, iad sin a bhaineann leis an AE. I bhfianaise luach an chuid is mó de na conarthaí, is iad na treoirlínte is mó a bhfuil feidhm leo.</p> <p>Chuir an Coimisiún plean soláthair i dtoll a chéile sa bhliain 2012 inar leagadh amach na réimsí a bhfuil súil leis go mbeidh sé ag glacadh le tairiscintí chun seirbhísí a sholáthar.</p>
Diúscairt sócmhainní agus rochtain trú páirtithe ar shócmhainní	Níl sócmhainní ag an gCoimisiún a bhfuil luach orthu atá chomh mór leis sin a shamhlaítear faoi na treoirlínte (€150,000). Níor diúscaíodh aon sócmhainn i rith na bliana 2012.
Éagsúlú	Níor chuir an Coimisiún aon mholadh maidir le héagsúlú faoi bhráid an Aire sa bhliain 2012.
Breithmheas infheistíochta	Níor thabhaigh an Coimisiún aon chaiteachas caipitil sa bhliain 2012 a tháinig laistigh de scóip na ngníomhaíochtaí a samhlaíodh i ndoiciméad na Roinne sa bhliain 2005, <i>Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector</i> . Tá tuairisc curtha faoi bhráid na Roinne Caiteachais Phoiblí agus Athchóirithe aige maidir le caiteachas TFC, mar a éilíodh air.
Íocaíocht bainisteoirí sinsearacha agus táillí stiúrthóirí	Féach rannán na caibidle seo dar teideal <i>Acmhainní Daonna</i> chun eolas a fháil faoin réimse seo. Níl aon stiúrthóir ann agus níl feidhm ag táillí.
Socrúithe tuairiscithe	<p>Cuireann an Coimisiún tuairiscí faoi bhráid an Aire lompair de réir mar a éilítear iad. Tá córas cuntasáíochta lánfhorbatha ag an gCoimisiún a chuireann tuairiscí mionsonraithe bainistíochta agus airgeadais ar fáil do na bainisteoirí sinsearacha. Glacann an Coimisiún le Caighdeán Tuairiscithe Idirnáisiúnta i dtaobh a chuid tuairiscithe. Ríomhann sé a chuntas leis an gcóras cuntasáíochta fabhráithe, ach amháin san áit a sonraítear sna nótaí do na ráitis airgeadais. Déanann an tArd-Reachtair Ciste agus Cuntas iniúchadh ar na ráitis sin.</p> <p>Tá bearta ag an gCoimisiún chun an oibleagáid leabhair cuntais chuí a choinneáil a chomhlíonadh. Tá siad seo á gcoinneáil san oifig aonair aige.</p>
Pleanáil straitéiseach agus chorparáideach	<p>Tá feidhmeanna agus freagrachtaí an Choimisiúin leagtha amach san Acht um Rialáil Eitlíochta, 2001, san Acht um Aerfoirt Stáit 2004 agus san Acht Eitlíochta 2006.</p> <p>Leagann an Coimisiún amach plean oibre bliantúil maidir le gach réimse feidhme atá beartaithe lena chuspóirí agus a oibleagáidí reachtúla a shásamh. Cuireann an Coimisiún tuairisc faoi bhráid an Aire lompair gach bliain faoin gcaoi ar cuireadh na feidhmeanna sin i gcrích sa bhliain roimhe sin.</p> <p>Tá comhaontú idir an Coimisiún agus an Roinn lompair nach n-ullmhóidh sé plean straitéiseach cúig bliana i bhfianaise fógra an rialtais i mí Dheireadh Fómhair 2009 go mbeadh an Coimisiún á</p>

	<p>chumasc leis an Údarás Náisiúnta Iompair. Fógraíodh le gairid in <i>Plean Athchóirithe don Earnáil Phoiblí</i> de chuid an Rialtais go ndéanfaí cuid d'Údarás Eitlíochta na hÉireann a chumasc leis an gCoimisiún sa bhliain 2012. Rinne an rialtas athbhreithniú ar an dáta sin sa bhliain 2012 agus tá dáta nua i mí na Nollag 2014 socraithe anois.</p>
Comhlíonadh cánach	<p>Tá an Coimisiún dlite ÍMAT, CBL agus Cáin Iarchoimeáda do Sheirbhísí Proifisiúnta a íoc. Tá gach tuairisceán cánach ábhartha leagtha isteach ag an gCoimisiún don bhliain 2012 agus tá sé comhlíontach go hiomlán ó thaobh cánach de.</p>
Ráiteas maidir le Rialú Inmheánach Airgeadais	<p>Tá sé dearbhaithe ag an gCoimisinéir sna Ráitis Airgeadais don bhliain 2012 gur seoladh athbhreithnú ar éifeachtacht an chórais rialaithe inmhéanaigh airgeadais. Tá sraith chuimsitheach beartas agus nósanna imeachta a bhaineann le rialuithe airgeadais sa Ráiteas maidir le Rialú Inmheánach Airgeadais. Is é an Coimisinéir an tOifigeach Cuntasach chun críche cuntasachta don Oireachtas.</p>
Beartas Taistil	<p>Comhlíonann an Coimisiún riachtanais bheartas taistil an Rialtais.</p>
Nochtadh Leasanna	<p>Tá an Coimisinéir, a chuid foirne, agus gach comhairleoir, de réir mar a éilítear é, comhlíontach leis na riachtanais nochtaithe ábhartha a éiríonn as alt 18 den Acht um Eiticí in Oifigí Poiblí 1995 agus as ailt 17-18 den Acht um Rialáil Eitlíochta, 2001.</p> <p>Is ar an tSeirbhís um Cheapacháin Phoiblí atá an fhreagracht as comórtais oscailte a eagrú chun Baill an Choimisiúin a cheapadh. Coimisinéir amháin atá ann faoi láthair.</p>
Bainistíocht Rioscaí	<p>Tá clár rioscaí á choinneáil ag an gCoimisiún a ndéanann bainisteoirí sinsearacha athbhreithniú rialta air agus comhoibríonn an Coimisiún leis an gcoiste iniúchta chun rioscaí a láimhseáil.</p>

## FAISNÉIS AIRGEADAIS

### Tobhach

Chun críche na speansais a tabhaíodh go cuí le linn dó a bheith ag cur a chuid dualgas i gcrích, d'fhéadfadh an Coimisiún rialacháin a dhéanamh chun tobhach a ghearradh chun a chostais agus speansais mheasta oibriúcháin a chlúdach ach gan a dhul thar sin. Tá an tobhach iníoctha ag a leithéid de ghnóthais is a d'fhéadfadh a bheith sonraithe ag an gCoimisiún.

Thug Rialachán "an Achta um Rialáil Eitlíochta 2001 (Tobhach Uimh. 13) 2012" (I.R. Uimh. 546 de 2012) den 21 Nollaig 2012 éifeacht do Thobhach an Choimisiúin don bhliain 2013. Tá na hioncaim a bhfuil an Coimisiún ag súil lena bhfáil ón tobhach sa bhliain 2013 13% níos airde ná ioncaim tobhaigh na bliana 2012.

Shocraigh an Coimisiún tobhach na bliana 2013 ag féachaint do chostais agus speansais oibriúcháin thar tréimhse cúig bliana. Tá an t-athrú seo beartaithe leis na luaineachtaí bliantúla sa tobhach a dhéanamh réidh.

### Ráitis Airgeadais

Rinne an tArd-Reachtaire Cuntas agus Ciste iniúchadh ar na ráitis airgeadais don bhliain 2011 agus cuireadh faoi bhráid an Aire iad. Leagadh faoi bhráid Thithe an Oireachtais iad an 18 Deireadh Fómhair 2012. Tá na cuntais sin ar fáil ar láithreán gréasáin an Choimisiúin.

Tá ráitis dréachta airgeadais don bhliain dar críoch 31 Nollaig 2012 ullmhaithe, agus cuireadh faoi bhráid an Ard-Reachtaire Cuntas agus Ciste iad an 28 Feabhra 2013. Tá sliocht as na ráitis sin le fáil sna leathanaigh seo a leanas.

<b>Cuntas Ioncaim agus Caiteachais don Bhliain dar críoch 31 Nollaig 2012 - Dréacht</b>					
			<b>Nótaí</b>	<b>2012</b>	<b>2011</b>
<b>Ioncam</b>				<b>€</b>	<b>€</b>
Ioncam Tobhaigh			1	2,220,260	2,458,750
Táillí Ceadúnais			1	168,263	199,832
Eile			1	41,513	41,714
<b>Ioncam Comhlán</b>				2,430,416	2,700,296
Aistriú (go dtí)/ón gCuntas Caipitil			9	15,380	16,688
<b>Ioncam Glan</b>				2,445,416	2,716,984
<b>Caiteachas</b>					
Costais Foirne			3	1,293,962	1,288,410
Costais Phinsin			10 (a)	136,023	136,178
Comhairleacht				26,351	172,878
Táillí Dí				181,370	(160,167)
Ćíos				282,363	282,550
Éascú Sceideal				277,806	280,369
Eile				429,056	394,427
			2	2,626,931	2,394,645
Barrachas /(Easnamh) Oibriúcháin			14	(181,515)	322,339
Iarmhéid amhail an 1 Eanáir				2,284,725	1,962,386
Iarmhéid amhail an 31 Nollaig				2,103,210	2,284,725

Cuid lárnach de na Ráitis Airgeadais seo an Ráiteas maidir le Beartais Chuntasaíochta, an Ráiteas maidir le Sreabhadh Airgid agus Nótaí 1 go 18.

**Cathal Guiomard**  
**An Coimisinéir**

**28 Feabhra 2013**

<b>Ráiteas maidir le Gnóthachain agus Caillteanais Iomlána Aitheanta don Bhliain dar críoch 31 Nollaig 2012 - Dréacht</b>			
		<b>2012</b>	
	<b>Nótaí</b>	<b>€</b>	
Barrachas Oibriúcháin		(181,515)	322,339
Fáltas iarbhír lúide fáltas ionchasach as sócmhainní na scéime pinsin	10 (c)	112,950	(163,859)
Gnóthachain/(caillteanais) ó thaithí ag éirí as dlíteanais na scéime pinsin	10 (d)	46,618	65,369
Athruithe ar na boinn tuisceana ar a bhfuil luach dhlíteanais na scéime pinsin bunaithe		-	-
Gnóthachan/(caillteanas) achtúireach		159,568	(98,490)
Gnóthachain/(Caillteanais) Iomlána Aitheanta a bhaineann leis an Bhliain Airgeadais		(21,947)	223,849

€247,131 an caillteanas carnach aitheanta as gnóthachain agus caillteanais achtúireacha sa cheithre bliana seo caite.

Gluaiseacht sa Chúlchiste Pinsin	<b>2012</b>	<b>2011</b>
Iarmhéid amhail an 1 Eanáir	(202,081)	(103,591)
Gnóthachan/(Caillteanas) Achtúireach	159,568	(98,490)
Iarmhéid amhail an 31 Nollaig	<u>(42,513)</u>	<u>(202,081)</u>

Cuid lárnach de na Ráitis Airgeadais seo an Ráiteas maidir le Beartais Chuntasaíochta, an Ráiteas maidir le Sreabhadh Airgid agus Nótaí 1 go 18.

**Cathal Guiomard**  
**An Coimisinéir**

**28 Feabhra 2013**

<b>Clár Comhardaithe amhail an 31 Nollaig 2012 - Dréacht</b>					
			<b>2012</b>		<b>2011</b>
	<b>Nótaí</b>	<b>€</b>	<b>€</b>	<b>€</b>	<b>€</b>
<b>Sócmhainní seasta</b>					
Sócmhainní inláimhsithe	4		18,355		33,735
<b>Sócmhainní reatha</b>					
Cuntais Bainc	5	15,522,828		14,347,438	
Feichiúnaithe agus Réamhíocaíochtaí	6	249,154		949,398	
		15,771,982		15,296,836	
<b>Creidiúnaithe: Méideanna le híoc laistigh de bhliain</b>					
Creidiúnaithe agus Fabhruithe	7	(337,316)		(157,100)	
Cuntais Bhannaí Airgid	5	(13,244,738)		(12,478,82)	
		(13,582,54)		(12,635,92)	
<b>Glansócmhainní / (Dliteanais) Reatha</b>			2,189,928		2,660,910
<b>Sócmhainní iomlána lúide Dliteanais Reatha</b>			2,208,283		2,694,645
<b>Soláthairtí do Dhliteanais agus do Mhuirir</b>	8		-		(325,533)
<b>Glansócmhainní gan Dliteanas Pinsin san Áireamh</b>			2,208,283		2,369,112
Glansócmhainní / (Dliteanas) Pinsin	10 (b)		(129,231)		(252,733)
<b>Glansócmhainní / (Dliteanais) lena n-áirítear Sócmhainní / (Dliteanas) Pinsin</b>			2,079,052		2,116,379
<b>Arna Mhaoiniú ag</b>					
Barrachas / (Easnamh) sa Chuntas Ioncaim agus Caiteachais			2,103,210		2,284,725
Cuntas Caipitil	9		18,355		33,735
Cúlchiste Pinsin			(42,513)		(202,081)

			2,079,052		2,116,379
--	--	--	-----------	--	-----------

Cuid lárnach de na Ráitis Airgeadais seo an Ráiteas maidir le Beartais Chuntasaíochta, an Ráiteas maidir le Sreabhadh Airgid agus Nótaí 1 go 18.

**Cathal Guiomard**  
**An Coimisinéir**

**28 Feabhra 2013**



<b>Ráiteas Sreabhadh Airgid don Bhliain dar críoch 31 Nollaig 2012 - Dréacht</b>			
		<b>2012</b>	<b>2011</b>
	<b>Nótaí</b>	<b>€</b>	<b>€</b>
<b>Réiteach an bharrachas oibriúcháin le glan-insreabhadh/(eis-sreabhadh) Airgid ó ghníomhaíochtaí oibriúcháin</b>			
Barrachas/(Easnamh) ar Ioncam agus Caiteachas		(181,515)	322,339
Difríocht idir Costas Pinsin agus Ranníocaíocht Fostóra		36,066	38,070
Dímheas	4	15,154	16,688
Ús Bainc		(37,577)	(29,061)
Aistriú (ón)/go dtí an Cuntas Caipitil		(15,380)	(16,688)
Ísliú/(Ardú) i bhFeichiúnaithe	6	701,914	380,755
Ísliú/(Ardú) i Réamhíocaíochtaí	6	(1,671)	4,321
(Ísliú)/Ardú i gCreidiúnaithe	7	46,250	4,549
(Ísliú)/Ardú i bhFabhrúithe	7	133,967	(86,841)
(Ísliú)/Ardú i Soláthairtí	8	(325,533)	(267,397)
<b>Glan-insreabhadh/(Eis-sreabhadh) Airgid ó Ghníomhaíochtaí Oibriúcháin</b>		371,675	366,735
<b>Ráiteas Sreabhadh Airgid</b>			
Glan-insreabhadh/(Eis-Sreabhadh) Airgid ó Ghníomhaíochtaí Oibriúcháin		371,675	366,735
Fáltais as Infheistíochtaí			
Ús Bainc		37,578	29,061
Caiteachas Caipitil			
Ceannach sócmhainní seasta	4	225	-
Maoiniú			
Ardú/(Ísliú) ar Chuntais Bhannaí Airgid agus ar an gCiste Cosanta Taistealaithe	5	765,912	(293,851)
Bainistiú Acmhainní Leachtacha			
(Ardú) / Ísliú ar Airgead i dTaisce	5	(416,365)	(531,516)
<b>Ardú / (Ísliú) ar Iarmhéideanna Airgid</b>		759,025	(429,571)
<b>Réiteach glansreabhadh airgid le gluaiseachtaí sna glanchistí</b>			
Ardú/(Ísliú) ar airgead ar láimh sa tréimhse		759,025	(429,571)
Airgead tirim a úsáideadh le hacmhainní leachtacha a (laghdú) /a mhéadú	5	416,365	531,516
Athrú sna Glanchistí		1,175,390	101,945
Glanchistí ar Oscailt		14,347,438	14,245,493
Glanchistí ar Dúnadh		15,522,828	14,347,438

Cuid lárnach de na Ráitis Airgeadais seo an Ráiteas maidir le Beartais Chuntasaíochta, an Ráiteas maidir le Sreabhadh Airgid agus Nótaí 1 go 18.

**Cathal Guiomard**  
**An Coimisinéir**

**28 Feabhra 2013**

# AGUISÍN

## Páipéir an Choimisiúin sa bhliain 2012

CP1/2012 Aibreán 2012	Infheistíochtaí sa Todhchaí agus an Scipéad Rialála
CP2/2012 Samhain 2012	Comhairliúchán maidir le cinneadh an Phainéal Achomhairc Eitlíochta 2012
CP3/2012 Nollaig 2012	Infheistíochtaí i nGníomhaíochtaí Tráchtála: Treoir Comhairliúcháin maidir le Caiteachas Caipitil agus Impleachtaí don Scipéad Rialála
CN1/2012 Meitheamh 2012	Socruithe maidir le Ceadúnú don Trádáil Taistil don Fhómhar 2012

## Tuairisc Aschuir

### Muirir agus Rialú Sealanna

Spríoc na bliana 2012	Toradh na bliana 2012
Imscrúdú a dhéanamh arís ar an gcur chuige reatha chun cinntí a dhéanamh maidir le muirir ag aerfort Bhaile Átha Cliath, agus na réimsí sin, más ann dóibh, a bhféadfadh athruithe a bheith ag teastáil iontu a aimsiú	<ul style="list-style-type: none"> <li>➤ Foilsíodh páipéar comhairliúcháin i mí Aibreáin</li> <li>➤ Foilsíodh Páipéar Deiridh an Choimisiúin i mí na Nollag</li> </ul>
Comhairle a sholáthar maidir le hathruithe féideartha don réimeas sealanna	<ul style="list-style-type: none"> <li>➤ Níor iarr an DTTAS aon chomhairle</li> </ul>
Monatóireacht a dhéanamh ar chomhlíonadh na gcaidhpeanna praghais atá ann faoi láthair agus oibriú réidh leanúnach an réimis sceidilithe reatha ag aerfort Bhaile Átha Cliath a chinntiú.	<ul style="list-style-type: none"> <li>➤ Tá an Coimisiún sásta gur chomhlíon Údarás Eitlíochta na hÉireann agus Údarás Aerfort Bhaile Átha Cliath an caidhp praghais</li> <li>➤ Rinneadh athbhreithniú ar thomhais na scuainí slándála</li> <li>➤ D'fhreastail an Coimisiún ar Chruinnithe den Choiste Comhordaithe agus rinneadh teagmháil rialta leis an ACL chun monatóireacht a dhéanamh ar threochtaí tráchta ag aerfort Bhaile Átha Cliath</li> </ul>

### Ceadúnú agus Ceadanna

Spríoc na bliana 2012	Toradh na bliana 2012
➤ A chinntiú go gcomhlíonann sealbhóirí ceadúnas aeriompróra riachtanais na reachtaíochta	<ul style="list-style-type: none"> <li>➤ Rinneadh monatóireacht ar gach sealbhóirí ceadúnais maidir le comhlíonadh na reachtaíochta</li> <li>➤ Tugadh faoi athbhreithniú dhá bhliain ar an gceadúnas oibriúcháin mar a éilíodh</li> </ul>

➤ Áis ceadúnaithe ar líne	➤ Foilsíodh treoir d'úsáideoirí faoin gcaoi leis an gcóras ar líne a úsáid
➤ Tuiscint níos fearr ar an réimeas ceadúnaithe d'aeriompróirí a chur chun cinn i measc sealbhóirí ceadúnais agus an pobal	➤ Eisíodh dioscaí ceadúnais don bhliain 2013 do gach oibritheoir héileacaptar agus aerárthach beag
➤ Leanúint le cuideachtaí láimhseála ar an talamh a cheadúnú agus monatóireacht a dhéanamh orthu	➤ Sholáthair gach sealbhóir Cead Láimhseáil ar an Talamh faisnéis airgeadais agus chuir siad clúdach árachais a bhí suas chun dáta ar fáil ➤ Chuaigh an Cead Láimhseáil ar an Talamh a bhí ag 5 chuideachta in éag agus athnuadh go rathúil iad
➤ Leanúint leis an scéim ceadúnaithe agus bannaí do chuideachtaí sa trádáil taistil in Éirinn a riar	➤ Eisíodh 273 ceadúnas agus tugadh cuairt ar 42 cuideachta chun comhlíonadh a mheas
➤ Ullmhú do thionchar féideartha reachtaíocht na hEorpa ar oibriú an réimis trádáil taistil reatha in Éirinn	➤ Reáchtáladh líon cruinnithe le hionadaithe ón Roinn Iompair agus le hOifig an Ard-Aighne, féachaint le freagra beartais a thabhairt ar thionchar reachtaíocht na hEorpa

## Ceartha Aerphaisinéirí

Sprioc na bliana 2012	Toradh na bliana 2012
➤ Comhlíonadh dlíthe an AE maidir le cearta aerphaisinéirí a chinntiú	➤ Fuarthas 807 gearán nua. Fuarthas 298 gearán nua a bhain le comhlachtaí forfheidhmiúcháin eile ➤ Imscrúdú déanta i gcás 509 gearán agus críochnaithe i gcás 436 gearán ➤ Cigireacht déanta ar 8 n-aerfort
➤ Feasacht an phobail maidir le saincheisteanna a bhaineann le cearta aerphaisinéirí a ardú	➤ Ghlac an Coimisiún páirt i Lá Chearta na nAerphaisinéirí ag Aerfort Bhaile Átha Cliath ➤ Ghlac an Coimisiún páirt san aonach Holiday World i mBaile Átha Cliath

## Príomhtháscairí Feidhmíochta

Táscaire Feidhmíochta	Feidhmíocht 2012
Ceadúnú	
Iarratasóirí ar cheadúnas curtha ar an eolas laistigh de sheachtain faoi dhoiciméid a bheith ar iarraidh	57%
Cinneadh i bprionsabal faighte ag iarratasóirí ar cheadúnas laistigh de mhí	46%
Ceadúnais eisithe laistigh de dhá sheachtain i ndiaidh do gach	100%

doiciméad a bheith faighte	
Líon áitreabh ceadúnaithe ar tugadh cuairt orthu	42
Éilimh agus Aisdhúichiú	
Líon na n-éileamh a fuarthas i ndiaidh gur theip ar chomhlacht sa trádáil taistil	0
Líon na n-éileamh a próiseáladh laistigh de dhá mhí	Ní thagann i gceist
Líon na n-éileamh a próiseáladh laistigh de cheithre mhí	Ní thagann i gceist
Líon na n-éileamh a próiseáladh laistigh de shé mhí	Ní thagann i gceist
Costais riaracháin mar chéatadán de chostais éileamh san iomlán	Ní thagann i gceist
Líon na bpaisinéirí a ndearnadh aisdhúichiú orthu	Ní thagann i gceist
Paisinéirí ag fanacht le haisdhúichiú tar éis dá ndáta fillte sceidilthe a bheith caite	Ní thagann i gceist
Paisinéirí ag fanacht le haisdhúichiú ar feadh níos mó ná seachtain	Ní thagann i gceist
Cosaint Tomhaltóirí	
Réamh-athbhreithnithe ar ghearáin críochnaithe laistigh de sheachtain	82%
Gearáin curtha faoi bhráid Chomhlacht Forfheidhmiúcháin Náisiúnta eile laistigh de mhí ó fuarthas iad	100%
Imscrúduithe críochnaithe laistigh de thrí mhí ó fuarthas iad <sup>15</sup>	78%
Imscrúduithe críochnaithe laistigh de sheacht mí ó fuarthas iad <sup>16</sup>	88%
Líon na gcigireachtaí aerfoirt	8
Costais	
Athrú bliantúil ar chostais an Choimisiúin	10%
Athrú bliantúil ar chostais an Choimisiúin (gan táillí dlí, comhordú aerfoirt agus na costais a bhaineann le héilimh a phróiseáil a bheith san áireamh)	-5%

<sup>15</sup> | gcás gearáin a fuarthas idir 1 Eanáir agus 31 Deireadh Fómhair 2011.

<sup>16</sup> | gcás gearáin a fuarthas idir 1 Eanáir agus 31 Iúil 2011.