

### 21 July 2020

- 1.1 The Commission has approved a new Local Guideline at Dublin Airport – referred to as Local Rule A. The purpose of Local Guideline is to provide a framework to allow for the flexible and timely management of a temporary reduction in available capacity at Dublin Airport, as a result of measures to prevent the spread of COVID-19. Local Rule A is published alongside this document.

### *Background*

- 1.2 Section 8(1) of the Aviation Regulation Act, 2001, states that the Commission is the competent authority in Ireland for the purposes of Council Regulation (EEC) No. 95/93, as amended by Regulation (EC) No 793/2004 (“the Slot Allocation Regulations”). The Commission is therefore responsible for:
- The designation of the Coordination status of Irish airports.
  - Appointing a qualified schedules facilitator or coordinator, as appropriate, at airports which have been designated as Schedules Facilitated or Coordinated.
  - The declaration of coordination parameters at Coordinated airports, taking into account relevant technical, operational and environmental constraints.
  - Deciding whether to approve Local Guidelines proposed by the Coordination Committee.
- 1.3 The Commission received the text of a proposed Local Guideline, termed ‘Local Rule A’, from ACL (the Dublin Airport coordinator). The Commission also received advice from the Coordination Committee at Dublin Airport in relation to the Local Guideline.

### *Local Rule A*

- 1.4 The Commission declares the capacity of Dublin Airport for the purposes of the Slot Regulation for a given scheduling season. This capacity declaration applies for a full season, and is made several months in advance. It therefore does not provide a mechanism to respond to fast-moving changes due to the COVID-19 pandemic. The purpose of Local Rule A is to provide a framework to allow for the timely management of a temporary reduction in available capacity, as a result of measures to prevent the spread of COVID-19. This can be done in a flexible and targeted way, as demand and/or virus suppression measures change over time.
- 1.5 The intention is for air carriers and Dublin Airport to initially work together to solve any identified capacity issues, thereby avoiding the need to apply a temporary capacity under Local Rule A. If necessary, COVID-19 related capacity issues will then be addressed in a more structured way through the implementation of the capacity reduction process as per Local Rule A.
- 1.6 If Dublin Airport considers that the implementation of a temporary reduced capacity is required, it will call an EGM of the Coordination Committee. It will set out details of the modelling it has carried out, and the capacity issue or issues it has identified. The Coordination Committee will vote on the proposed temporary capacity. The results of this vote together with the proposed temporary capacity and supporting evidence will be sent to the Commission. The Commission will issue a draft decision on the temporary capacity. There will be a consultation period, the length of which will be determined by the Commission and dictated by the requirements to make a timely decision. Following consideration of any

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responses received, the Commission will then make a final decision on the temporary capacity.

- 1.7 The Coordinator will immediately action the temporary capacity, assessing the level of capacity reductions each carrier is expected to contribute in line with the principles set out in the Local Guideline. The Coordinator will report on progress in implementing the temporary capacity, and on compliance.
- 1.8 Local Rule A does not change the formal declared capacity for the purposes of Article 6 of the Slot Regulation.<sup>1</sup> Nor does it seek to change air carrier's legal obligations or entitlements under the Slot Regulation.

### *Coordination Committee Advice*

- 1.9 At an EGM on 2 July 2020, Coordination Committee members discussed and voted on the implementation of Local Rule A. The Committee voted in favour of implementation by a margin of 90% to 10%. The majority advice of the Coordination Committee was therefore to implement Local Rule A.

### *Draft Decision*

- 1.10 Following the receipt of the advice from the Coordination Committee, the Commission issued a draft decision in which it proposed to approve Local Rule A.

### *Decision*

- 1.11 The Commission received one response to the draft decision, from Aer Lingus, in which Aer Lingus reiterated its support for the adoption of Local Rule A. The response is published alongside this document.
- 1.12 The Commission's view on Local Rule A has not changed. We have implemented Local Rule A to set out a framework to allow for flexible and timely management of a temporary capacity reduction in a transparent way.
- 1.13 As per Article 8(5) of the Slot Regulation, this decision will be communicated to the European Commission.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01993R0095-20200401&from=EN>