

Irish Aviation Authority  
The Times Building  
11 – 12 D'Olier Street  
Dublin 2  
**By email only:** consultation@iaa.ie

25 September 2025

**Re: Draft IAA Decision on Summer 2026 Coordination Parameters at Dublin Airport dated 11<sup>th</sup> September 2025 (the “Draft Decision”)**

Dear Irish Aviation Authority

We refer to the Draft Decision. Please see below daa’s submission on the Draft Decision and an update on recent developments.

**1 Coordination Committee voting question on night time slot allocation**

- 1.1 As set out in the Draft Decision, daa asked the Coordination Committee members to vote on the following question:

*“Pending clarifications of restrictions on nighttime activity in Dublin airport, should the allocation of nighttime slots (between 2300-0700 local) be limited to those with historic status in Summer 2026”*

- 1.2 Paragraph 2.25 of the Draft Decision states that daa raised this question *“in light of the ACP Decision in respect of the North Runway Relevant Action”*. For completeness, the introductory paragraph for this question was:

*“On 16 July 2025, An Coimisiún Pleanála issued a decision in respect of the North Runway Relevant Action which includes that Dublin Airport shall be subject to an annual aircraft movement limit of 35,672 between the nighttime hours of 2300 and 0700 (local time) (Planning Reference Number: F20A/0668). This movement limit has not yet come into effect.*

*To remind the Committee the original and existing condition pertaining to night-time use of the north runway (Condition 5 of Planning Reference Number F04A/1755) provides that “... the average number of night time aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92 day modelling period...”. On 28 July 2023, FCC issued an enforcement notice alleging that Dublin Airport was operating in “non-conformity” with Condition 5. daa challenged the Enforcement Notice by way of judicial review (daa plc v Fingal County Council, High Court Record No: 2023 / 916 JR). There is currently a stay on this enforcement notice and these proceedings are currently adjourned.”*

- 1.3 As set out in Appendix 2 to the Draft Decision, daa voted yes to this question, however, the majority voted no.

## 2 32mppa Conditions, Enforcement Notice and Judicial Review Proceedings

- 2.1 On 18<sup>th</sup> June 2025, Fingal County Council served an Enforcement Notice on daa alleging an “*exceedance/breach of the 32[mppa] capacity restriction for the years 2023 and 2024*” (the “**32M Enforcement Notice**”). A copy of the 32M Enforcement Notice was provided to the IAA and the Coordination Committee on 24<sup>th</sup> June 2025.
- 2.2 The 32M Enforcement Notice was discussed at the Coordination Committee pre-meeting on 18<sup>th</sup> August 2025.
- 2.3 daa’s lawyers sent a letter before action to the Council on 25<sup>th</sup> July 2025, which was provided to the IAA and the Coordination Committee on 30<sup>th</sup> July 2025. The Council replied on 1<sup>st</sup> August 2025. The Council’s reply was circulated to the Coordination Committee and the IAA on 5<sup>th</sup> August 2025.
- 2.4 daa filed judicial review proceedings regarding the 32M Enforcement Notice on 11<sup>th</sup> August 2025 (High Court Record No. 2025/1241 JR). The IAA, Ryanair, Aer Lingus, Air Transport Association of America Inc (trading as Airlines for America), Delta Air lines Inc, JetBlue Airways Corporation and United Airlines Inc are named as Notice Parties to these proceedings. The ex parte application for leave is listed in the High Court on 29<sup>th</sup> September 2025.
- 2.5 It is daa’s position, and that of the IAA, in the current CJEU preliminary reference<sup>1</sup> that the 32mppa conditions should be reflected in the coordination parameters.
- 2.6 daa’s judicial review of the Enforcement Notice raises a number of grounds, including issues concerning the inter-relationship between the 32mppa conditions and the Slot Regulation, the evidence supporting the fact that daa had taken all reasonable steps to comply and issues concerning the ambiguity of the notice. Two particularly significant arguments in daa’s judicial review of the Enforcement Notice are:
- (i) **Timing for compliance:** The 32M Enforcement Notice may require that calendar year compliance is required in 2027. This conflicts with the timing of the ongoing CJEU preliminary reference process and the High Court Orders dated 3<sup>rd</sup> April 2025<sup>2</sup> directing that the IAA shall not take account of the 32mppa conditions for the purpose of setting coordination parameters, pending the determination of the proceedings referred to in footnote 1 below. daa is concerned that it is not possible to achieve compliance within the period for compliance afforded by the Council and that the Council, in fixing a two year period for compliance, failed to properly consider the High Court Orders of 3<sup>rd</sup> April 2025.
  - (ii) **Interpretation of the passenger count:** the Council has confirmed in the Enforcement Notice its view that compliance with the 32mppa conditions is measured on an aviation count. daa disputes this interpretation. daa’s position is that the 32mppa conditions

<sup>1</sup> Arising from the six High Court judicial review proceedings challenging the IAA’s decisions on coordination parameters at Dublin Airport for Winter 2024 and Summer 2025 (referenced at paragraphs 4.10 – 4.15 of the Draft Decision)

<sup>2</sup> Subsequently amended by the High Court on 15<sup>th</sup> July 2025

refer only to those passengers that in fact use the Terminals at Dublin Airport, which includes Origin and Destination passengers and transfer passengers who enter the Terminals, but excludes Transit passengers and Transfer passengers who do not enter the Terminals, and further excludes the double count of Transfer passengers.

### 3 **ACP Decision in the North Runway Relevant Action (“NRRRA Decision”)**

- 3.1 The NRRRA Decision was notified to the European Commission by ACP on 8<sup>th</sup> August 2025.
- 3.2 As noted at 3.26 of the Draft Decision, the NRRRA Decision has been judicially reviewed.
- 3.3 There are three judicial review challenges to the NRRRA Decision, the applicants being (1) Ryanair, (2) Aer Lingus, and (3) St Margarets the Ward Environmental DAC and Serena Taylor. daa has been joined as a Notice Party to each of the three proceedings, and the IAA and European Commission are a Notice Parties in the proceedings taken by Aer Lingus and Ryanair.

### 4 **Interaction with FCC**

- 4.1 As with previous IAA decisions, daa wrote to FCC on 16<sup>th</sup> September 2025 notifying FCC that the Draft Decision had been published and inviting FCC to make submissions to the IAA in respect any matters which FCC believes should be taken into account by the IAA in making its final decision and in respect of any comments or observations FCC has with regard to the Draft Decision. A copy of that letter is enclosed. While daa has not yet received a response to this letter, to date, FCC’s position has been that it is not appropriate for it to engage in a separate regulatory process by another regulator on slot allocation at Dublin Airport.

Yours sincerely,

*Leon Ronan*

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**Leon Ronan**

*Capacity Planning Senior Manager*