

Adrian Corcoran
Director of Economic Regulation
Commission for Aviation Regulation
Alexandra House, Earlsfort Terrace
Dublin 2, D02 W773

December 07, 2022

Re: Consultation: Options for Timeline and Period in Force of the third Interim Review of the 2019 Determination

Dear Adrian,

We refer to the above Consultation. As a general proposition, we support that the publication of a decision covering a 4-year period as this will give the airport and airlines certainty on pricing for the recovery phase following the Covid 19 pandemic. This will also assist with the funding of the capital investment plan by giving the airport more certainty on medium-term pricing.

On this basis, our views on the various options proposed are as follows:

Option 1: Provided that the ANTB is enacted, and the relevant sections commenced prior to 23 December 2022, we will publish our decision by 23 December 2022. The decision will cover the period 1 January 2023 to 31 December 2026. This remains our preferred option

Aer Lingus notes that the Air Navigation and Transport Bill (2020) (ANTB) has now passed all stages of the Oireachtas and has proceeded to the President for signature which should enable the achievement of publication by the CAR of its final decision by 23rd December covering the period 2023 - 2026. Aer Lingus agrees with CAR that this is the preferred option.

Option 2: Provided that the ANTB is enacted, and the relevant sections commenced between 23 December 2022 and the 28 February 2023, we will make our decision by the end of February 2023. The decision would also cover the period 1 January 2023 to 31 December 2026. Thus, Option 2 would be similar to Option 1, with the exception of a delay to the publication date of the Final Decision.

As noted above, the current expectation is that this scenario should not arise and CAR should be in a position to publish its final decision in respect of the period 2023 – 2026 by 23 December 2022. However, should the ANTB not be enacted and commenced within the time frame to allow for this, Option 2 as outlined by CAR is a prudent mitigation to ensure publication of a 4-year timeframe at the earliest point in the New Year should it be required. However, we would question why the CAR is proposing a deadline of the end of February for this purpose. We believe that a decision for the period 2023 to 2026 could

be issued beyond February 2023 provided that CAR issued guidance to the stakeholders of its likely pricing for 2023 in order to enable Dublin Airport to set its airport charges for 2023 accordingly.

Option 3: We make a decision covering the period 1 January 2023 to 31 December 2024 only, and under the existing legislative framework. This could occur in two ways:

- ***Option 3(a): following this consultation, in a situation where the ANTB is not commenced before 23 December 2022 and thus Option 1 falls away, Option 3 could be deemed preferable to Option 2. In this case the decision would be made by 23 December 2022.***
- ***Option 3 (b): if Option 2 is deemed preferable, but the ANTB is still not enacted and the relevant section commenced by 28 February 2023, Option 3 would then become necessary, and we would make the decision by 28 February 2023 for 2023 and 2024 only.***

Neither options A or B within Option 3 are desirable as there is a risk that a failure to provide certainty on the price cap for the duration of the 2023 – 2026 period could serve to further delay the delivery of critical infrastructure on the basis of such a short horizon of Price Cap certainty for the Airport, For the reasons outlined above, neither of these options should prove necessary but we believe that the CAR should delay its final decision for as long as necessary to enable its decision to cover the period 2023 – 2026.

Regards,



Niall Timlin
Director of Corporate Affairs