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Director of Economic Regulation, Licensing and Consumer Affairs  
Irish Aviation Authority  
The Times Building  
11-12 D'Olier Street  
Dublin 2 D02 T449

24 April 2024

***Reference: Draft Decision on Winter 2024 Coordination Parameters at Dublin Airport***

Dear Adrian,

Emerald Airlines welcomes the opportunity to respond to the Draft Decision on the Winter 2024 Coordination parameters at Dublin Airport proposed by the Irish Aviation Authority (IAA) on 11 April 2024. For the reasons outlined below, Emerald disagrees with certain aspects of the IAA's draft decision with respect to the proposed Seasonal Terminal Seat Capacity Constraint and exhort the IAA to reassess its declaration in this regard.

Emerald Airlines as the largest regional airline and one of the biggest contributors of transfer passengers at the Dublin Airport hub emphasises its position that it does not agree with the implementation of any measure to restrict growth at Dublin Airport while the ambiguous 32mppa Conditions referenced in the draft decision awaits a court ruling. This is a view shared by the overwhelming majority of The Coordination Committee members with 93% sharing a similar view.

The proposed mechanism for estimating an appropriate seat cap has been established without any consultation or input from The Coordination Committee or specific member airlines. It is Emerald Airlines view that this mechanism is flawed as it does not take account of the recognised timeline for airlines to review all recognised and unrecognised historic data as indicated in the 3<sup>rd</sup> Edition of the WASG, section 10.5.

The draft determination notes that the total incoming historic seat count from W23 is just under 14.3m seats, however we respectfully point out that airlines are still reviewing their Slot Historic Listings (SHL). Specifically in the case of Emerald Airlines, our internal SHL review noted 132 slots which were eligible for JNUS- Justified Non-Utilisation of Slots under Article 10.4 of the EU Slot Regulation 95/93. These 132 slots amount to 9,500+ extra seats being allocated to the Emerald Airlines SHL by the airport coordinator.

Furthermore the Draft Determination fails to recognise the unfair penalising a Seasonal Terminal Seat Capacity constraint will have on year-round operators at Dublin Airport. For an airline such as Emerald Airlines with a low seasonality index, our operations fluctuate little between the Summer and Winter months. This Draft Determination will result in airlines unwinding their Winter schedules, driving up fares and decreasing choice for the consumer.

While Dublin Airport may disagree with the majority views of the Coordination Committee that we should await further clarification on the precise meaning and effect of the 32mppa Conditions, Emerald Airlines would point to the inconsistent approach to airport charges being applied by Dublin Airport to attract new carriers and capacity to the market.

Declaring a Seasonal Terminal Seat Capacity limit of 14.4m for the upcoming Winter season goes against all three principle goals of the National Aviation Policy 2015 which was designed to create an environment that would encourage the industry to increase connectivity to and from Ireland for the benefit of the travelling public, Irish tourism and business by;

- *enhance Ireland's connectivity by ensuring safe, secure and competitive access responsive to the needs of business, tourism and consumers*
- *foster the growth of aviation enterprise in Ireland to support job creation and position Ireland as a recognised global leader in aviation*
- *maximise the contribution of the aviation sector to Ireland's economic growth and development*

In conclusion, it is our strong belief that the judicial process such be allowed to run its course rather than the proposed mechanism from the IAA to implement damaging restrictions on growth at Dublin Airport through a Season Terminal Seat Capacity limit.

Regards,



Keith Butler

Chief Executive Officer