



September 20, 2022

Commission for Aviation Regulation
3rd Floor
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Dublin 2
D02 W773

Delivered via email to:
info@aviationreg.ie

RE: Response to Draft Summer 23 Declaration of Coordination Parameters

Dear Commissioners:

Federal Express Corporation (FedEx) appreciates the opportunity to offer comment regarding the proposed Summer 2023 Coordination Parameters at Dublin International Airport (DUB). In that connection, we strongly support the implementation of the parameters published in Commission Paper 4/2022 and the replication of Summer 2022 slots for Summer 2023. As an initial matter, FedEx notes that we reference and support the comments offered by the Freight Transport Association of Ireland (FTAI) in connection to this matter and offer the following additional comments for consideration.

FedEx is a U.S.-certificated air carrier, authorized to conduct all-cargo operations under the U.S.-EU air transport agreement (ATA). At DUB, FedEx operates¹ narrow body jets connecting Ireland to FedEx hub facilities at Stansted (UK) and Paris (FR). At those dedicated hub facilities, Irish shipments can be routed onto FedEx transatlantic, transpacific, intra-European and British air services, as well as ground connections. Our system facilitates the ability of Irish shippers and businesses to obtain full benefit from FedEx's hallmark express network for both inbound and outbound shipments. As one of the major cargo airlines' operating at DUB, the results of the planning process are critical to the ongoing efficiency of FedEx services into and out of Ireland. In order to facilitate the best service options available to our customers, we participate regularly in the Dublin Airport Coordination Committee and have provided comments regarding the Fingal County planning process regarding the amendments of conditions No. 3(d) and No. 5 of the 2007 North Runway Planning Permission related to the DUB night-time runway operations (Ref. No. F20A/0668).

Throughout the Fingal County planning process, FedEx strongly supported the modification of the restrictive operating conditions at DUB to support a stable operating environment for cargo carriers to and from Ireland. We noted that implementation of conditions No. 3(d) and No. 5 would be inconsistent with the obligations of the Government of Ireland under the ATA. We specifically noted the lack of adherence to the ICAO Balanced Approach to Aircraft Noise Management (Balanced

¹ FedEx uses its U.S.-registered aircraft for operations involving Stansted and Paris, and contracts with an EU carrier to provide Dublin-Liege service on certain days of the week. These operations are conducted pursuant to FedEx's authorities issued by the U.S. Department of Transportation (DOT) and U.S. Federal Aviation Administration (FAA), consistent with the rights afforded to FedEx via the U.S. air service agreements with the European Union (EU) and the United Kingdom (UK).

Approach), codified in Part V of Annex 16 to the Chicago Convention, and absence of the due process that the ATA requires Ireland to afford to U.S. carriers when considering limitations on operations. We also questioned whether implementation of the planning conditions at issue were consistent with Irish obligations under European Directive (EC) 2002/30 and the subsequent Regulation (EC) 598/2014.

The Balanced Approach, incorporated in European Directive (EC) 2002/30 and Regulation (EC) 598/2014 and incorporated by reference in Article 15 (Environment) of the ATA, requires government authorities to identify and analyze the noise problems at an airport to support identification and evaluation of available options to identify the most suitable measure or combination of measures to mitigate a specific noise problem. In addition, Article 15 of the ATA imposes specific consultation timelines, mitigate efforts, and measures to ensure that U.S. carriers are afforded a fair and equal opportunity to compete, when government authorities consider restrictions at airports related to environmental concerns. Given the short time before the Summer 2023 traffic season and the need for regulatory certainty moving forward, FedEx believes implementation of the proposed Summer 2023 Coordination Parameters offers a path forward that will not conflict with Ireland's international obligations.

However, if the Commission for Aviation Regulation (CAR) were to move forward with implementation of restrictions consistent with conditions No. 3(d) and No. 5 or propose alternative restrictions that do not meet the process and substance requirements of the ATA, the Government of Ireland will have failed to act consistently with the ATA. In such a situation, FedEx may be forced to seek intervention by the U.S. Government and/or European Commission. Such intervention could result in imposition of a remedy, based on a broad scope of countervailing measures available to the U.S. Government and the Commission when there is a breach of the ATA. For awareness, consideration of such measures and remedies would be subject to public review and comment by any interested party.

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For the reasons stated above, we support implementation of the Summer 2023 Coordination Parameters and respectfully request CAR implement them without delay. Please feel free to contact us regarding any questions about our comments. James Davies in the UK and Brian Hedberg in Washington, D.C., are best placed to assist with any such inquiries. Their details are below.

Sincerely,



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Director of Operations
Senior Vice President, Flight Operations

DRD/bjh

CC: James Davies, Managing Director, Legal - Northern Europe (jdavies@fedex.com)
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