



STATUTORY INSTRUMENTS.

S.I. No. 537 of 2020

AIRCRAFT NOISE (DUBLIN AIRPORT) REGULATION ACT 2019 LEVY
NO. 2 REGULATIONS 2020

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Fingal County Council in its capacity as competent authority for the purposes of Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC, in exercise of the powers conferred on it by Section 5 of the Aircraft Noise (Dublin Airport) Regulation Act 2019 (No 12 of 2019), hereby makes the following regulations:

Citation and commencement

1. These Regulations may be cited as the Aircraft Noise (Dublin Airport) Regulation Act 2019 Levy No. 2 Regulations 2020.

Interpretation

2. In these Regulations –

‘Act of 2000’ means the Planning and Development Act 2000 (as amended);

‘Act of 2019’ means the Aircraft Noise (Dublin Airport) Regulation Act 2019;

‘Aircraft Noise Regulation’ means Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC;

‘Airport authority’ means Dublin Airport Authority as established under section 6 of the State Airports Act 2004 (No. 32 of 2004), as amended;

‘Airport levy’ means the levy provided for in Section 5 of the Act of 2019;

‘Charging period’ means each period in respect of which the airport levy is payable, as specified in the Schedule to these Regulations;

‘Competent authority’ means Fingal County Council acting in its capacity as competent authority for the purposes of the Act of 2019, the Aircraft Noise Regulation and the Act of 2000 and all related purposes;

‘Leivable cost’ means the costs incurred, or reasonably expected to be incurred, by the competent authority in the performance of its functions under the Aircraft Noise Regulation, the Act of 2019 and the Act of 2000 for which the airport levy may be charged during each charging period, which are not charged out according to the separate functions the competent authority performs thereunder, as prescribed in the Schedule to these Regulations;

‘Surplus’ means any surplus of airport levy income over costs incurred over a particular charging period, as specified in the Schedule to these Regulations;

3. A word or expression that is used in these Regulations that is also used in the Act of 2019 has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Act of 2019.

Liability to pay airport levy

4. The airport authority is liable to pay the airport levy to the competent authority in respect of leviable costs for the charging period as prescribed in the Schedule to these Regulations.

5. The airport levy shall be payable on the basis of invoices issued by the competent authority from time to time, but in any event no more frequently than once per month.

Payment of airport levy

6. The amount of airport levy payable in respect of each invoice is payable not later than 30 calendar days from the date of each invoice, by direct bank transfer or equivalent instantaneous transfer of funds to the bank account specified by the competent authority.

Recovery of airport levy

7. The competent authority may recover, as a simple contract debt in any court of competent jurisdiction, from the airport authority the airport levy (or any part thereof) due and owing to it.

Surplus of airport levy

8. Any Surplus shall be retained by the competent authority to be offset against leviable costs applicable in respect of the subsequent charging period, as specified in the Schedule.



Given under the seal of Fingal County Council
20 November 2020

ANNMARIE FARRELLY,
Chief Executive

MARION O CONNOR,
Nominated Employee.

SCHEDULE

Charging period	Leviable costs	Surplus in respect of previous charging period	Airport levy payable
1 st January 2020 – 31 December 2020	€ 1,500,000	€0	€ 1,500,000

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations are a requirement of, and prepared in accordance with, Section 5 of the Aircraft Noise (Dublin Airport) Regulation Act 2019. They impose a levy on Dublin Airport Authority in respect of the costs incurred by Fingal County Council in its capacity as competent authority for the purposes of Regulation (EU) No 598/2014.¹ That levy is to be prescribed having regard to the costs incurred or reasonably expected to be incurred by the competent authority in the performance of its functions under Regulation (EU) No 598/2014, the Aircraft Noise (Dublin Airport) Regulation Act 2019 and the Planning and Development Act 2000 (as amended).

¹ Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC.

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