

Annex H3: Air Navigation and Transport Act 2022 (ANTA 2022), Key Sections

Source

Air Navigation and Transport Act 2022 (No. 40 of 2022). Extracted from KB phase file on legislation.

s.5: Ministerial Direction Powers Over AirNav Ireland

s.5(1)(a)(ii): Identical "national interest" direction power as the IAA Act s.7

s.5(1)(b): Minister may require AirNav to achieve specified standards for safeguarding civil aviation

s.5(3): "The IANS shall comply with a direction given to it under subsection (1)." (mandatory)

New s.74B: IAA Enforcement Over AirNav

The ANTA 2022 introduced formal enforcement mechanisms:

- IAA can issue enforcement notices to AirNav for non-compliance
- Can apply to the High Court for an order if AirNav fails to comply
- Fine of up to EUR 150,000 on indictment for failure to comply with court order

Enhanced Post-2022 Accountability Mechanisms

Mechanism	Provision	Effect
Ministerial information access	New s.16(1A)	IAA must provide "such assistance and advice as the Minister may require"; full documentary access
Annual safety statements	New s.32A	IAA submits annual performance review; laid before Oireachtas
Published safety review	Amended s.32(3)(bb)	3-yearly external review must be published on Government website
Oireachtas accountability	New s.71A	CE must appear before committees and account for performance
CE appointment	Amended s.38	Minister now appoints CE (previously board-appointed)
IAA enforcement over AirNav	New s.74B	Formal enforcement notice to High Court to EUR 150K fine

Aarhus Relevance

The ANTA 2022 strengthened accountability mechanisms following the R116 helicopter tragedy, yet none of these mechanisms have been deployed in respect of the North Runway flight path breach. The Minister has direction powers over both IAA and AirNav but has used neither. The IAA has enforcement powers over AirNav (including High Court application and fines) but has not exercised them. The existence of these unused powers demonstrates that the failure is not in the legislative framework but in

the consistent refusal to use the powers the legislation provides.