

Dail Written Answers: PQs 361/26, 362/26, 363/26

18 March 2026 - Minister for Transport Darragh O'Brien

Source: oireachtas.ie

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PQ 361/26: Foreign lobbying (US communications re Passenger Capacity Bill)

Question: Whether the Government has received any communication from the United States Government, the US Department of Transportation, Airlines for America, or the US Ambassador to Ireland regarding the Dublin Airport (Passenger Capacity) Bill 2026 or the 32 million passenger cap at Dublin Airport; and if so, to provide details of those communications.

Answer: "I wish to advise the Deputy that my officials and I have had ongoing engagement with the US Department of Transportation (USDOT), Airlines for America (A4A) and the US Ambassador Edward S. Walsh over the last year. This engagement has included in person meetings and written correspondence.

This engagement provided an opportunity for a discussion on the potential impacts of the passenger cap at Dublin Airport and also afforded me the opportunity to provide clarity in relation to the legislation that is currently being drafted in line with the Government decision to address the passenger cap as soon as possible.

In that regard, a General Scheme for the Dublin Airport (Passenger Capacity) Bill 2026 was agreed by Government on 10 February 2026 and pre-legislative scrutiny of the Bill has commenced by the Joint Oireachtas Committee on Transport. The Committee is currently meeting with interested parties and has indicated that it intends to complete its report by 24 April 2026. In the meantime, officials are progressing the formal drafting of the Bill with Office of the Parliamentary Counsel.

The proposed legislative approach will empower me to make an order to amend or revoke the 32 million passenger cap planning condition. The proposed legislation also precludes the imposition of future passenger caps as planning conditions.

In advance of making an order, I will engage with An Coimisiun Pleanála to carry out screening and if necessary, undertake full environmental assessments in line with EU law. I will take the outcome of those assessments into account and incorporate any measures necessary to mitigate the impact on the environment into an order.

Government has prioritised the drafting of the Bill and it is my intention to enact the Bill as soon as possible this year."

Notable points

- * Minister confirms "ongoing engagement" with USDOT, A4A, and US Ambassador over the last year, including in-person meetings and written correspondence
 - * Does not deny A4A lobbying; describes it as "engagement" and "opportunity for discussion"
 - * Claims he will "engage with An Coimisiun Pleanála to carry out screening and if necessary, undertake full environmental assessments in line with EU law" before making an order
 - * Committee report target: 24 April 2026 (aligns with A4A's requested enactment deadline)
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PQ 362/26: EU complaint (ID:91249, six EU instruments)

Question: Whether his Department is aware that a formal complaint (ID:91249) was filed with the European Commission on 2 March 2026 alleging that Ireland is in breach of six EU instruments at Dublin Airport, including Regulation 598/2014; and whether the Government intends to proceed with the Dublin Airport (Passenger Capacity) Bill 2026 in advance of any response from the Commission to that complaint.

Answer: "I can confirm that my Department is aware that a formal complaint was filed with the European Commission on 02 March 2026 alleging that Ireland is in breach of six EU instruments. It is my understanding that the EU Commission will process this complaint in line with its own complaints framework.

With regard to Regulation (EU) 598/2014, as the Deputy will be aware, on 08 of August 2025, An Coimisiun Pleanála (ACP) notified the EU Commission of the Dublin Airport operating restrictions set out in its July 2025 decision, as required under Article 8 of Regulation (EU) 598/2014, and the Commission subsequently undertook an assessment of the process followed by ACP in its decision.

On 10 February 2026, following completion of its assessment of ACP's July 2025 decision, the EU Commission issued a notification advising that the process used by ACP for the proposed introduction of operating restrictions did not fully follow the Balanced Approach process, as set out in Regulation (EU) 598/2014. In line with the provisions of the Regulation and the 2019 Aircraft Noise Act, as the independent competent authority for this matter, ACP will now be given time to examine this Decision, and to determine the most appropriate next steps.

Concerning the Dublin Airport passenger cap planning condition, the Government has been clear that it intends to address the passenger cap through legislation and approved the general scheme of the Dublin Airport (Passenger Capacity) Bill 2026 to this end in February. The General Scheme is currently subject to pre-legislative scrutiny by the Joint Oireachtas Committee on Transport. It is my intention to introduce the legislation into the Oireachtas as soon as possible taking account of any observations the Committee may have."

Notable points

- * Minister confirms awareness of the complaint but does not engage with its substance
 - * Deflects to ACP/Reg 598 process, avoids mentioning DG Environment lead or the five other EU instruments
 - * Calls ACP "the independent competent authority" (ANCA prepares the assessment ACP relies on; ANCA is not independent)
 - * Does not answer whether the Government will proceed before the Commission responds: just restates intention to legislate "as soon as possible"
 - * On the record: the Department knew about the complaint and chose to proceed regardless
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PQ 363/26: Flight path review

Question: Whether the daa has issued a formal instruction to a company (details supplied) to conduct a review of the North runway departure routes; and if so, to provide the date of the instruction, the terms of reference, the expected completion date; and if no instruction has been issued, to explain the reason, given that the daa has been indicating since June 2023 that it was "working to fine tune" the routes and seeking to determine how such a process could be run.

Answer: "Following engagement with the daa on the matter of flightpaths at Dublin Airport, I have been advised that given the ongoing regulatory and planning processes in track regarding Dublin Airport it is not daa's intention to embark on a flightpath review at this time.

Under EU legislation, the operator of an airport, daa in the case of Dublin Airport, is responsible for the design and maintenance of Instrument Flight Procedures (IFPs) which set flight paths into and out of an airport. Dublin airport, AirNav Ireland carries out the design and maintenance function on behalf of daa. The Irish Aviation Authority, as the civil aviation safety regulator in Ireland, has responsibility for ensuring that IFPs adhere to safety standards set out in national, EU and international regulations. Flight paths are also monitored for compliance with noise requirements by the

Aircraft Noise Competent Authority, in line with EU Regulation 598/2014 and the Aircraft Noise Act 2019.

Separately, monitoring compliance with planning permission conditions is matter for the relevant planning authority that granted those permissions, and enforcement of planning conditions is a matter for those authorities."

Notable points

- * daa has abandoned the flight path review it promised in June 2023, citing "ongoing regulatory and planning processes"
- * Three years of "working to fine tune" was a holding statement; no instruction was ever issued
- * The circular referral is on the record again: daa is responsible for design, AirNav for maintenance, IAA for safety, ANCA for noise, Fingal for planning enforcement. Nobody is responsible for whether the routes match the EIS.
- * Minister's answer separates flight path design (daa/AirNav) from planning compliance (Fingal), reinforcing the gap the committee identified on 4 March