

Post-Enactment Report

Air Navigation and Transport Act 2022

Introduction

This report on the functioning of the Air Navigation and Transport Act 2022 one year after its enactment has been prepared to comply with the requirements of *Dáil Éireann Standing Order 197* and *Seanad Éireann Standing Order 168*.

Background

The Air Navigation and Transport Act 2022¹ (No. 40 of 2022) was signed into law by the President on 7th December 2022.

The main purpose of the Act is to provide for the establishment of a single independent regulator responsible for aviation safety, security, economic and consumer interest regulation by combining the regulatory functions of the Irish Aviation Authority (“IAA”) and the Commission for Aviation Regulation (“CAR”). In doing so it separates out the air navigation service provider functions of the IAA into a newly established commercial semi-state company, the Irish Air Navigation Service (“AirNav Ireland”) to manage Irish-controlled airspace, eliminating the potential conflict inherent in the IAA’s previously held dual regulator- commercial air navigation service provider mandate.

The Act updates the regulatory framework for the setting of airport charges at Dublin Airport including putting a greater emphasis on the needs and expectations of the consumer whilst maintaining high standards of safety and security. The Act also provides for an increase in daa’s statutory borrowing ceiling to €5bn.

Operation of the Act and Current Status

The Act was part commenced with effect from 22 December 2022 by way of the Air Navigation and Transport Act 2022 (Commencement) Order 2022² (which commenced Parts 1, 2, 8 to 11 of the Act excluding section 8 of Part 1 and section 97 of Part 10) to enable the formation and registration of AirNav Ireland as DAC limited by shares under Part 16 of the Companies Act 2014; to facilitate the conclusion of CAR’s third review of its 2019 determination of airport charges at Dublin Airport and to revise the daa’s borrowing ceiling to €5bn.

¹ <https://www.irishstatutebook.ie/eli/2022/act/40/enacted/en/html>

² [S.I. No. 741/2022 - Air Navigation and Transport Act 2022 \(Commencement\) Order 2022](#)

Section 69 of Part 7 of the Act was commenced with effect from 15 February 2023 by way of the Air Navigation and Transport Act 2022 (Section 69) (Commencement) Order 2023³. Commencement of this section was required to facilitate the appointment of a new Chief Executive Officer to the IAA on the Vesting Day of AirNav Ireland, when as provided for under Section 35(2) of the Act, the existing Chief Executive of the IAA is appointed by the Minister for Transport as the first Chief Executive of AirNav Ireland for the unexpired period of their term as Chief Executive of the IAA, leaving a vacancy as regards the position of Chief Executive of the IAA.

All remaining provisions of the Act were commenced with effect from 1 May 2023 by way of the Air Navigation and Transport Act 2022 (Commencement) Order 2023⁴.

On 27 April 2023 the Minister for Transport signed the Air Navigation and Transport Act 2022 (Vesting Day) Order 2023⁵ and the Air Navigation and Transport Act 2022 (Dissolution Day) Order 2023⁶. These orders came into effect on 1 May 2023 and provided for the transfer of the air navigation service provider functions, staff, assets and liabilities from the IAA to AirNav Ireland and for the dissolution of CAR and the assumption of its functions, staff, assets and liabilities by the IAA.

Conclusion

The Act implements important institutional and regulatory reforms which will provide the modern regulatory framework that will underpin the development of a safe, internationally competitive and sustainable Irish aviation sector for the next decade and more. The Act has been fully commenced from 1 May 2023 and the principal purpose of the Act, the establishment of a single aviation regulator the IAA and a separate commercial semi-state air navigation services provider AirNav Ireland has been achieved.

Air Navigation Services Division

19 February 2024.

³ [S.I. No. 65/2023 - Air Navigation and Transport Act 2022 \(Section 69\) \(Commencement\) Order 2023](#)

⁴ [S.I. No. 220/2023 - Air Navigation and Transport Act 2022 \(Commencement\) Order 2023](#)

⁵ [S.I. No. 218/2023 - Air Navigation and Transport Act 2022 \(Vesting Day\) Order 2023](#)

⁶ [S.I. No. 219/2023 - Air Navigation and Transport Act 2022 \(Dissolution Day\) Order 2023](#)