



STATUTORY INSTRUMENTS

**S.I. No. 56 of 2009**

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EUROPEAN COMMUNITIES (STATISTICS IN RESPECT OF  
CARRIAGE OF PASSENGERS, FREIGHT AND MAIL BY AIR)  
REGULATIONS 2008

**(Prn. A9/0247)**

EUROPEAN COMMUNITIES (STATISTICS IN RESPECT OF  
CARRIAGE OF PASSENGERS, FREIGHT AND MAIL BY AIR)  
REGULATIONS 2008

I, BRIAN COWEN, Taoiseach, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Regulation (EC) No. 437/2003 of the European Parliament and of the Council of 27 February 2003, as implemented and amended by Commission Regulation (EC) No. 1358/2003 of 31 July 2003<sup>2</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Statistics in respect of Carriage of Passengers, Freight and Mail by Air) Regulations 2008.

2. (1) In these Regulations—

“Act of 1993” means the Statistics Act 1993 (No. 21 of 1993);

“airport” means an airport in the State specified in Annex I to the Commission Regulation which, for ease of reference, is set out in the Schedule;

“Annex I”, in Regulations 3 and 4, means Annex I to the European Regulation, as substituted by Annex III to the Commission Regulation;

“commercial air transport operator” means an air transport undertaking with a valid operating licence for operating commercial air flights;

“Commission Regulation” means Commission Regulation (EC) No. 1358/2003 of 31 July 2003<sup>2</sup>;

“European Regulation” means Regulation EC No. 437/2003 of the European Parliament and of the Council of 27 February 2003<sup>1</sup>, as implemented and amended by the Commission Regulation;

“flight stage” means the operation of an aircraft from take-off to its next landing;

“Office” means the Central Statistics Office;

“on flight origin and destination” means traffic on a commercial air service identified by a unique flight number subdivided by airport pairs in accordance with point of embarkation and point of disembarkation on that flight.

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<sup>1</sup> OJ No. L066, 11.3.2003, p.1.

<sup>2</sup> OJ No. L194, 1.8.2003, p.194.

(2) A word or expression that is used in these Regulations and is also used in the European Regulation has the same meaning in these Regulations as it has in the European Regulation.

3. (1) In respect of any month, commencing with the month that begins on 1 January 2009, a commercial air transport operator who, by virtue of the Commission Regulation, is required to provide an airport with the information required to enable the airport to complete Tables A1 and B1 as set out in Annex I relating to flight stage and on flight origin and destination data for commercial air services provided by such operator at that airport during that month, such operator shall provide that information to that airport not later than 2 months after the last day of that month.

(2) In respect of any year, commencing with the year 2009, a commercial air transport operator who, by virtue of the Commission Regulation, is required to provide an airport with the information required to enable that airport to complete Table C1 as set out in Annex I relating to passengers carried, freight and mail loaded onto or unloaded from an aircraft operated by that operator and aircraft movements at that airport during that year, such operator shall provide that information to that airport not later than 2 months after 31 December of that year.

4. (1) After the expiration of each month, commencing with the month that begins on 1 January 2009, an airport that, by virtue of the Commission Regulation, is required to provide the Office with information for each month, in accordance with Tables A1 and B1 as set out in Annex I relating to flight stage data and on flight origin and destination data for commercial air services at the airport during that month, shall provide that information to the Office not later than 4 months after the last day of that month.

(2) After the expiration of each year, commencing with the year 2009, an airport that, by virtue of the Commission Regulation, is required to provide the Office with information in accordance with Table C1 as set out in Annex I relating to passengers carried, freight and mail loaded onto or unloaded from an aircraft and aircraft movements at the airport during that year, shall provide that information to the Office not later than 4 months after 31 December of that year.

5. The Office shall perform the functions imposed on the State under the European Regulation and, accordingly, a reference in the European Regulation to a Member State shall, unless the context otherwise requires, be construed as a reference to the Office.

6. A person who fails or refuses to comply with Regulation 3 or 4 shall be guilty of an offence.

7. Sections 15, 23, 26 to 29, 32, 36 to 40 and 42 to 44 of the Act of 1993 shall, with the following modifications, apply to these Regulations, and a reference in those sections to that Act shall, unless the context otherwise requires, be construed as including a reference to these Regulations:

- (a) in section 26(1) and (2), by substituting “a provision of these Regulations” for “a requirement made under section 25 of this Act” in each place where it occurs,
- (b) in section 36, by substituting “a provision of these Regulations” for “a requirement made under section 25 of this Act”,
- (c) in section 38, by deleting “or the repealed enactments” and “or wilfully discloses information relating to any identifiable person or undertaking in contravention of section 33 of this Act”,
- (d) in section 42, by substituting “a provision of these Regulations” for “a requirement made under section 25 of this Act”,
- (e) in section 44, by substituting for subsections (1) and (2) the following:

“(1) A person who is guilty of an offence under these Regulations shall be liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €30,000.

(2) Where a person is convicted of an offence under these Regulations and there is a continuation of the offence by the person after his or her conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable—

(a) on summary conviction, to a fine not exceeding €100, or

(b) on conviction on indictment, to a fine not exceeding €1,000.”,

and a reference in any of those sections of the Act of 1993 to a section of that Act shall be construed as a reference to that section as modified by this Regulation, and any other necessary modifications.

8. Where an offence under these Regulations is committed by a body corporate and is proved to have been committed with the consent, connivance or approval of, or to be attributable to any neglect on the part of any person being a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

9. The European Communities (Statistics in respect of Carriage of Passengers, Freight and Mail by Air) Regulations 2003 (S.I. No. 715 of 2003) are revoked.

SCHEDULE

*Regulations 3  
and 4*

AIRPORTS PROVIDING INFORMATION TO THE OFFICE

PART 1

Dublin Airport

Shannon Airport

Cork Airport

PART 2

Connaught Regional Airport (also known as Ireland West Airport Knock)

Kerry Airport

Galway Airport

PART 3

Connemara Regional Airport (also known as Connemara Airport)

Sligo Regional Airport (also known as Sligo Airport)

Waterford Airport (also known as Waterford Regional Airport)

Donegal Airport

Inishmore Airport



GIVEN under my Official Seal,  
29 January 2009.

BRIAN COWEN.  
Taoiseach.

EXPLANATORY NOTE

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

The purpose of the regulations is to enforce a statutory collection of statistical information on the scale and development of the carriage of passengers, freight and mail by air within the European Community or to and from the European Community. This will result in comparable, consistent, synchronised and regular data at European Community level.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
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