



STATUTORY INSTRUMENTS.

**S.I. No. 590 of 2019**



AIRCRAFT NOISE (DUBLIN AIRPORT) REGULATION ACT 2019 (LEVY  
NO. 1) REGULATIONS 2019

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AIRCRAFT NOISE (DUBLIN AIRPORT) REGULATION ACT 2019 (LEVY NO. 1) REGULATIONS 2019

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. 1) Regulations 2019.

*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;

“Leviable 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

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 29th November, 2019.*

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 each charging period, as prescribed in the Schedule to these Regulations.

*Payment of airport levy*

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

*Interest payable on late payment of levy*

6 Where any amount of the airport levy is not paid in accordance with Article 9, the airport authority is liable to pay to the competent authority interest at a rate equivalent to the interest rate from time to time chargeable under the Courts Act 1981 (or successor legislation) on the amount of the levy which remains unpaid.

*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 to these Regulations.

**SCHEDULE**

<b>Charging period</b>	<b>Leviable costs</b>	<b>Surplus in respect of previous charging period</b>	<b>Airport levy payable</b>
14 June 2019 – 31 December 2019	€990,000	€0	€990,000



Given under the seal of Fingal County Council  
26 November 2019

ANNMARIE FARRELLY,  
Chief Executive

EOGHAN O'BRIEN,  
Mayor of Fingal.

## 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.<sup>1</sup> 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).

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<sup>1</sup> 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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