

(English version)

**Question for written answer E-001642/26
to the Commission
Lena Schilling (Verts/ALE)
(22 April 2026)**

Subject: Third-country lobbying to pre-empt pending CJEU judgment on airport capacity (Case C-857/24)

The Advocate General's opinion of 12 February 2026 in Case C-857/24 supports the use of passenger caps as valid operational constraints under the Slot Regulation. Airlines for America has publicly lobbied the US Government to pressure Ireland into enacting the Dublin Airport (Passenger Capacity) Bill 2026 before the Court of Justice of the European Union (CJEU) can rule, stating that it fears 'neighbourhoods throughout Europe and potentially the world' being treated as stakeholders in airport capacity decisions.

The Commission has registered complaint CPLT(2026)00881 (led by its Directorate-General for the Environment) alleging that this Bill would permanently remove environmental constraints at Dublin Airport without the environmental impact assessment required by Directive 2011/92/EU and without the Balanced Approach assessment required by Regulation (EU) No 598/2014, in circumstances where the Commission's own Decision C(2026)0919 found Ireland non-compliant with the latter regulation.

1. Is the Commission aware of lobbying by third-country industry groups seeking to pre-empt a pending CJEU judgment through Member State legislation?
2. Does the Commission intend to assess the compatibility of the Dublin Airport (Passenger Capacity) Bill 2026 with Directive 2011/92/EU and Regulation (EU) No 598/2014 before its enactment?
3. What steps does the Commission intend to take on complaint CPLT(2026)00881?

Submitted: 22.4.2026

**Answer given by Ms Roswall on behalf of the European Commission
(6 July 2026)**

The Commission would note that the judgment of the Court of Justice of the EU in Case C-857/24 ⁽¹⁾ is still awaited, and it will assess any conclusions to be drawn from it once it has been delivered.

The Commission is also aware of a national complaint procedure filed by the Air Transport Association of America, Inc ('Airlines for America'), and still pending, before the US Department of Transportation concerning an alleged violation by Ireland and the EU of Regulation (EEC) No 95/93 (Slot Regulation) ⁽²⁾ and of the US-EU Air Transport Agreement ⁽³⁾ through the imposition of a cap of 32 million passengers per year at Dublin airport through a local infrastructure planning condition.

The compatibility of the Dublin Airport (Passenger Capacity) Bill 2026 with the Environmental Impact Assessment Directive ⁽⁴⁾ and the Balanced Approach Regulation ⁽⁵⁾ is raised in the context of complaint CPLT(2026)00881 referred to by the Honourable Member. The complaint also raises concerns in relation to other pieces of EU legislation.

The Commission is assessing the claims of the complainants and will inform them of the results of its assessment, in accordance with the complaints handling procedure. If the Commission identifies any breach of EU legislation, it will consider to take further steps, as appropriate.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/FR/CASE/?uri=CELEX:62024CC0857>.

⁽²⁾ Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports, OJ L 14, 22.1.1993, pp. 1-6.

⁽³⁾ <https://eur-lex.europa.eu/EN/legal-content/summary/european-union-united-states-aviation-agreements.html>.

⁽⁴⁾ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2012, p. 1-21, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014, OJ L 124, 25.4.2014, p. 1-18.

⁽⁵⁾ 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, OJ L 173, 12.6.2014, pp. 65-78.