



STATUTORY INSTRUMENTS.

S.I. No. 396 of 2025

EUROPEAN UNION (REFUELEU AVIATION) (COMPETENT
AUTHORITIES) REGULATIONS 2025

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I, DARRAGH O'BRIEN, Minister for Transport, 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 full effect to Articles 2(3), 5, 6, 7, 8, 10, 11 and 12(8) of Regulation (EU) 2023/2405 of the European Parliament and of the Council of 18 October 2023¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (ReFuelEU Aviation) (Competent Authorities) Regulations 2025.

2. (1) In these Regulations –

“Act of 1993” means the Irish Aviation Authority Act 1993 (No. 29 of 1993);

“Act of 2007” means the National Oil Reserves Agency Act 2007 (No. 7 of 2007);

“Act of 2014” means the Companies Act 2014 (No. 38 of 2014);

“IAA” means the company formed in accordance with section 11 of the Act of 1993 and designated as the competent authority for the purposes of enforcing the application of the ReFuelEU Aviation Regulation in respect of aircraft operators and Union airport managing bodies by section 58A of the Act of 1993;

“Minister” means the Minister for Transport;

“NORA” means the National Oil Reserves Agency;

“ReFuelEU Aviation Regulation” means Regulation (EU) 2023/2405 of the European Parliament and of the Council of 18 October 2023¹ on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation).

(2) A word or expression that is used in the ReFuelEU Aviation Regulation and in these Regulations has, unless the context otherwise requires, the same meaning in these Regulations as it has in the ReFuelEU Aviation Regulation.

(3) In these Regulations, a reference to an Article which is not otherwise identified is a reference to an Article of the ReFuelEU Aviation Regulation.

3. (1) Schedule 2 of the Act of 1993 is amended by the insertion of the following paragraph after paragraph 33:

“Sustainable Air Transport

34. Regulation (EU) 2023/2405 of the European Parliament and of the Council of 18 October 2023¹ on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation) in so far as it relates to enforcement of the

¹ OJ L, 2023/2405, 31.10.2023

application of the Regulation in respect of aircraft operators and Union airport managing bodies (within the meaning of those terms in that Regulation)”.

(2) The IAA shall –

(a) alter its constitution to include as a principal object the object to perform the functions assigned to it in relation to the ReFuelEU Aviation Regulation,

and

(b) take such steps under the Act of 2014 as may be necessary to so alter its constitution.

(3) Section 18 of the Act of 1993 shall not apply to the alteration referred to in paragraph (2).

(4) The IAA shall establish its own procedures for the purposes of these Regulations subject to the ReFuelEU Aviation Regulation.

4. A decision that is to be notified to the State under Article 2(3) shall be notified to the IAA on behalf of the State and where the IAA is notified of such a decision the IAA shall notify that decision to the Commission and the European Union Aviation Safety Agency.

5. (1) An aircraft operator whose request for a temporary exemption or renewal of such an exemption under Article 5(3) is rejected by the IAA may, on notice to the IAA and not later than 28 days from the date of the decision to reject the request, appeal that decision to the High Court.

(2) The High Court may, on the hearing of an appeal under this Regulation –

(a) dismiss the appeal,

(b) allow the appeal and direct that the request concerned be remitted to the IAA for the purpose of granting that request on such terms as the IAA considers appropriate in accordance with Article 5,

or

(c) allow the appeal and direct that the request concerned be remitted to the IAA for reconsideration in accordance with Article 5 on such terms as the High Court considers appropriate.

(3) A decision of the High Court under this Regulation shall be final save that, by leave of that Court or the Court of Appeal, an appeal shall lie to the Court of Appeal on a point of law.

6. (1) The NORA is designated as the competent authority for the purposes of enforcing the application of the ReFuelEU Aviation Regulation in respect of aviation fuel suppliers.

(2) The NORA shall –

- (a) alter its constitution by including as a principal object the object to perform the functions assigned to it in relation to the ReFuelEU Aviation Regulation,

and

- (b) take such steps under the Act of 2014 as may be necessary to so alter its constitution.

(3) Section 13(2) of the Act of 2007 shall not apply to the alteration referred to in paragraph (2).

(4) For the purposes of the NORA's functions relating to enforcement of the application of the ReFuelEU Aviation Regulation in respect of aviation fuel suppliers, the following sections of the Act of 2007 shall apply subject to the following modifications:

- (a) section 46 shall apply as if each reference to the Act of 2007 in that section (other than in subsection (5)) included a reference to the ReFuelEU Aviation Regulation in so far as it applies to aviation fuel suppliers, and these Regulations in so far as they relate to enforcement of the application of the ReFuelEU Aviation Regulation in respect of aviation fuel suppliers;
- (b) section 47(1) shall apply as if the reference to the Act of 2007 in that subsection included a reference to the ReFuelEU Aviation Regulation in so far as it applies to aviation fuel suppliers, and these Regulations in so far as they relate to enforcement of the application of the ReFuelEU Aviation Regulation in respect of aviation fuel suppliers;
- (c) section 48 shall apply as if the reference to the Act of 2007 in that section included a reference to the ReFuelEU Aviation Regulation in so far as it applies to aviation fuel suppliers, and these Regulations in so far as they relate to enforcement of the application of the ReFuelEU Aviation Regulation in respect of aviation fuel suppliers;
- (d) section 51 shall apply as if the reference to the Act of 2007 in that section included a reference to the ReFuelEU Aviation Regulation in so far as it applies to aviation fuel suppliers, and these Regulations in so far as they relate to enforcement of the application of the ReFuelEU Aviation Regulation in respect of aviation fuel suppliers;
- (e) section 67 shall apply as if the reference to the Act of 2007 in that section included a reference to these Regulations in so far as they relate to enforcement of the application of the ReFuelEU Aviation Regulation in respect of aviation fuel suppliers.

(5) The NORA shall establish its own procedures for the purposes of these Regulations subject to the ReFuelEU Aviation Regulation.

7. For the purposes of Article 10, the NORA shall ensure that the information entered by aviation fuel suppliers in the Union database is accurate

and has been verified and audited in accordance with Article 31a of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018² on the promotion of the use of energy from renewable sources.

8. (1) For the purposes of Article 11(2), the NORA shall provide the Minister with –

- (a) such relevant information as may be specified by the Minister,
- and
- (b) if required by the Minister, such information as relates to the NORA's plans for the future performance of its functions assigned to it in relation to the ReFuelEU Aviation Regulation.

(2) Information specified or required by the Minister under paragraph (1) shall be provided in such form and within such period as the Minister may direct.

9. (1) The NORA shall, for the purposes of Article 12(8), in each reporting year, determine whether an aviation fuel supplier has complied with Article 4(1) in the reporting period.

(2) The NORA shall make the determination referred to in paragraph (1) following an examination of –

- (a) the Union database (within the meaning of Article 10),
- and
- (b) where the information entered in the Union database by the aviation fuel supplier concerned is not sufficient to make the determination, such other information as is, or may be made, available to the NORA to make the determination.

(3) Where the NORA determines that an aviation fuel supplier has failed to comply with Article 4(1) in a reporting period, the NORA shall –

- (a) calculate the amount of the fuel concerned (whether that is sustainable aviation fuel or synthetic aviation fuel or both) that was not supplied in accordance with Article 4(1) in the reporting period (in this Regulation referred to as the “shortfall”),
- and
- (b) give a notification to the aviation fuel supplier (in these Regulations referred to as a “shortfall notification”) –
 - (i) stating that the NORA has determined that the aviation fuel supplier has not complied with Article 4(1) in the reporting period,
 - (ii) specifying the shortfall,
 - (iii) setting out the obligations of an aviation fuel supplier under Article 4(7),

² OJ No. L.328, 21.12.2018, p. 82

- (iv) stating that an aviation fuel supplier who fails to comply with Article 4 is liable to a fine referred to in (as the case may be) Article 12(4), Article 12(5) or both,
- (v) including a direction to the effect that, for the purposes of complying with Article 4(7), the aviation fuel supplier supply the market with a quantity of fuel that equates in type of fuel and quantity of fuel to the shortfall (in these Regulations referred to as a “shortfall direction”),
- (vi) specifying a period in accordance with Article 4(7) within which the aviation fuel supplier is to comply with the shortfall direction,
- (vii) stating that the supply of fuel referred to in paragraph (v) shall be in addition to any other supply of fuel required by the aviation fuel supplier in the subsequent reporting period, and
- (viii) stating that if the aviation fuel supplier fails to comply with the shortfall notification (in whole or in part), the NORA may seek an order requiring the supplier to comply with the shortfall direction included in that shortfall notification to the extent that it has not been complied with (in these Regulations referred to as a “compliance order”).

10. (1) An aviation fuel supplier may, on notice to the NORA and not later than 28 days from the date of the shortfall notification being given to him or her, appeal the shortfall direction included in that notification to the High Court.

(2) The High Court may, on the hearing of an appeal under this Regulation –

- (a) confirm the shortfall direction,
- (b) vary the direction,
- or
- (c) cancel the direction.

(3) The bringing of an appeal under this Regulation shall not suspend the effect of the shortfall notification that includes the shortfall direction concerned but the appellant may apply to the High Court to have the effect of the shortfall notification suspended until the appeal is disposed of and, on such application, the High Court may, if it thinks it proper to do so, direct that the effect of the shortfall notification be suspended until the disposal of the appeal.

(4) A decision of the High Court under this Regulation shall be final save that, by leave of that Court or the Court of Appeal, an appeal shall lie to the Court of Appeal on a point of law.

11. (1) Where an aviation fuel supplier is given a shortfall notification, the NORA shall in the subsequent reporting year, for the purposes of Article 12(8),

examine the Union database and determine whether the aviation fuel supplier has complied with the shortfall notification.

(2) Where the NORA is of the opinion that an aviation fuel supplier has failed to comply with a shortfall notification (in whole or in part), the NORA may apply by motion on notice to the High Court for a compliance order.

(3) The High Court may, on the hearing of an application under this Regulation –

- (a) make a compliance order,
- (b) where an order is made under (a), specify the period of time within which the aviation fuel supplier is to comply with the order,

or

- (c) refuse to make a compliance order.

(4) A decision of the High Court under this Regulation shall be final save that, by leave of that Court or the Court of Appeal, an appeal shall lie to the Court of Appeal on a point of law.



GIVEN under my Official Seal,
7 August, 2025.

DARRAGH O'BRIEN,
Minister for Transport.

EXPLANATORY NOTE

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

These Regulations give effect to provisions in Regulation (EU) 2023/2405 of the European Parliament and of the Council of 18 October 2023 on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation). They provide for the designation of the domestic competent authorities responsible for enforcing the application of the Regulation, associated procedures, and necessary appeals processes.

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