



ISSN 0951-0600

UNITED KINGDOM

CIVIL AVIATION AUTHORITY

Official Record Series 6 Part 2

No: 176

Airports - Economic Regulation

Date: 3 January 2013

Notices relating to applications and permissions

All communications regarding content of this document should be addressed to:

Regulatory Policy Group

CAA House

45-59 Kingsway

London WC2B 6TE

Tel: 020 7453 6225

E-mail: airportregulation@caa.co.uk

This notice should be read in conjunction with the Civil Aviation Authority Official Record Series 6 Part 1.

Contents

Section 1 Applications for permission

Section 2 Decisions of the Authority

Section 3 Miscellaneous

Note: Sections are omitted if they contain no entry in this issue.

Section 2 Decisions of the Authority

On 8 July 2011, the CAA published in its Official Record Series 6 No 171 a notice of an investigation to establish whether Heathrow Airport Limited was pursuing a course of conduct described in section 41(3) of the Airports Act 1986. This followed a complaint by bmi about Heathrow Airport Limited's decision to amend the structure of its airport charges from 1 April 2011.

On 20 March 2012, the CAA published in its Official Record Series 6 No 174 a decision into the complaint. On 26 April 2012, Aer Lingus informed the CAA that it was considering applying to the High Court for a judicial review of the CAA's decision. On 20 July 2012, the CAA published a notice saying it would consider the points made by Aer Lingus and that the CAA's decision should be treated as a provisional decision.

The CAA has now completed its investigation taking into account additional information provided by Aer Lingus and Heathrow Airport Limited in response to its provisional decision. The CAA has published a report as required by Regulation 11(3) of the Civil Aviation Authority Regulations 1986. The CAA found that the new landing charges introduced on 1 April 2011 did not unreasonably discriminate against a class of users of the airport or any particular user. The CAA found that the new passenger charges introduced on 1 April 2011 do constitute a pricing policy which unreasonably discriminates against a class of users of the airport or any particular user, specifically airlines and passengers on domestic and Republic of Ireland routes. However, the CAA has concluded that it should not impose any remedy requiring Heathrow Airport Limited to change its passenger charges, and that such conclusion is consistent with section 41(2) of the Act and the CAA's duties under the Act.

The full decision is on the CAA website at:

www.caa.co.uk/docs/2145/HeathrowS41Decision.pdf .