

Notice of the opening of an investigation under the Airport Charges Regulations 2011 – 5 November 2021

The Civil Aviation Authority (CAA) has received a complaint from an airline. This includes alleged breaches (and alleged potential future breaches) of the Airport Charges Regulations 2011 (“ACR2011”) by Heathrow Airport Limited (“HAL”). The CAA was asked to investigate immediately the allegations under Regulation 20(2) of the ACR2011. Under Regulation 20(2) of the ACR2011, if we receive a complaint that an airport operator is failing to comply or has failed to comply with an obligation set out in the ACR2011, from a person on whom airport charges are levied, we must investigate that complaint.

In summary, the complaint includes allegations that, in breach of the ACR2011, HAL:

- is failing to provide lawful consultation on its proposed 2022 airport charges;
- has not provided sufficient information or time for proper consultation on its charging proposals;
- is proposing charges which are discriminatory and which, if implemented, would amount to a breach of the ACR2011.

As per the CAA’s ACR2011 guidance ([CAP1343](#)), we have opened an investigation under the ACR2011 and are now publishing this notice of the opening of the investigation.

The CAA is at a planning stage of this investigation. During this period, the CAA may contact the airport operator and other relevant parties to obtain information from them and to seek their views. Where necessary, we will use our statutory powers to gather information.

Interested parties that would like to discuss this investigation with the CAA can email: economicregulation@caa.co.uk.

Context of this complaint

On 31 August 2021, HAL published its [Airport Charges for 2022 Consultation Document](#) and asked for responses by 1 October 2021. HAL is yet to make a final determination regarding its proposals for 2022.

The CAA has published its [H7 Initial Proposals](#) for consultation, which include proposals for the introduction of a holding price cap for 2022 charges. This proposed holding price cap is significantly below the price used by HAL to underpin its Airport Charges for 2022 Consultation Document.

HAL is expected to take into account the responses it received to its consultation before it makes a decision on charging. We would also expect HAL to consider the

CAA's Initial Proposals and consultation on the holding price cap. We note that regulatory decisions for the H7 period are now the subject of consultation and are expected to be finalised in the coming months, which may impact HAL's conduct in relation to its charges and the course of this investigation. We will take this context into account in deciding on our approach and prioritisation of the issues raised in the complaint.

Next steps

The CAA has not reached a view on this matter and no assumption should be made at this point on whether HAL has breached, is breaching, or will breach its obligations under the ACR2011. The CAA's investigation is at an early stage and the further steps HAL takes in respect of charges for 2022 may influence our approach to the issues raised in the complaint and we will continue to engage with stakeholders on these matters. Further details of the CAA's procedures in relation to our enforcement of the ACR2011 is available in our guidance ([CAP1343](#)).