



## UNITED KINGDOM CIVIL AVIATION AUTHORITY

WH1/01

### DECISIONS ON ROUTE LICENCE APPLICATION MADE WITHOUT HEARING

#### Applications 1BX/26251, 1BX/26252, 1BX/26253 and 1BX/26254 by British Airways Plc

#### THE APPLICATION

1. British Airways Plc (BA) applied for four Class 1BX licences for the carriage of cargo only on each of the following routes: New York (JFK)-London/Stansted, Manchester-Atlanta, London/Stansted-Atlanta and Atlanta-London/Stansted. These licences would permit not more than four journeys in any one direction between the points named.

#### AIRFREIGHT EXPRESS LIMITED'S OBJECTION

2. An objection to the applications was made by Airfreight Express Limited (AFX) who did not ask to be heard. In its objection AFX advised that it had two British-registered 747 aircraft capable of operating the routes for which BA was seeking licences and on which it would operate US-registered aircraft. Next month AFX was due to have two more B747 freighters delivered so that it would have a total of four such aircraft on the British register. It was able to make an aircraft available on all of the dates on which BA planned to operate these routes and, as it was already in possession of the relevant route licences, would be happy to carry any cargo on BA's behalf at a competitive rate. It also advised that its Winter schedule included two flights a week to Atlanta from London and three flights a week to New York from London which BA could take advantage of if it wished.

#### ANALYSIS AND REASONS

3. The CAA's policy is to license liberally competing services wherever doing so is likely to benefit users. The fact that one carrier already possesses an appropriate route licence, has capacity available and would be able to operate a route which is subject to an application is not sufficient grounds for the CAA to refuse that application.

4. AFX also makes passing reference in its objection to the fact that BA will be operating these services with US-registered aircraft. It is not clear whether AFX regards this as a material factor. However, for the avoidance of doubt, the CAA's policy is that airlines should be free to choose the aircraft they employ, subject to the provisions of Article 8.3 and 10 of Council Regulation (EEC) 2407/92. However, decisions on applications by British airlines to lease foreign registered aircraft are the responsibility of the Department for Transport, Local Government and the Regions. While the CAA advises the DTLR on such applications under the established transparent procedures, this is an entirely separate matter from a decision on a route licence application.

## **DECISION**

5. Applications 1BX/26251, 1BX/26252, 1BX/26253 and 1BX/26254 are granted with effect from the date of this decision.

6. For the purposes of any appeal which may be made against this decision the 'decision date' (see Regulations 26(8)(a) and 27 (4) of the Civil Aviation Authority Regulations 1991, as amended by the Licensing of Air Carriers Regulations 1992) is 6 November 2001.

G J Elsbury  
For the Civil Aviation Authority

31 October 2001