



Department for Transport

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12 November 2014

Dear Andrew

Contestability of Air Navigation Services at UK Airports: Request for advice under Section 16 (1) of the Civil Aviation Act 1982

Re: CAP 1004 – Single European Sky – Market conditions for terminal air navigation services in the UK.

Further to Patricia Hayes request for further advice under section 16(1) of the Civil Aviation Act 1982 on market conditions for terminal air navigation services in the UK, CAA have brought to our attention two related court cases on the tendering for terminal air navigation services.

In the case of one, we understand that an airport concerned has expressed concerns about disclosing data until after the court has published its decision. The CAA consider that any advice that it did provide would likely carry significant caveats whilst the court action is ongoing. This would limit the robustness of the advice. For this reason, CAA is seeking an extension to the timescales to allow sufficient time to take into account the judgements and consult on the advice.

Given that you do not expect the judgement before March 2015, such an extension means that it is unlikely that we shall be able to meet the 31 May 2015 deadline for submitting an assessment of contestability. Failure to do so means that there would be knock on consequences for the CAA in terms of potential EU wide targets on TANS biting from 2017 and risks the Commission pressing us to apply traffic risk sharing provisions from June 2015. However, we have been assured that CAA collectively consider the risks of providing advice that may not be fit for purpose is greater than not meeting the 31 May deadline.

On this basis, the DfT is content to grant an extension to the provision of advice not more than three months post the judgement on the court cases.

Yours,

A handwritten signature in blue ink that reads "S Hand". The letter "S" is large and stylized, with a loop at the bottom. The word "Hand" is written in a cursive script to the right of the "S".

Stephen Hand