

Gavin Knott, Director, Remedies Business and Financial Analysis
Competition and Markets Authority
The Cabot
25 Cabot Square
London
E14 4QZ



By email only to: licenceappealsproject@cma.gov.uk

31 January 2022

Dear Sir,

Open letter on the CMA's licence modification appeal rules and guidance – Heathrow Airport Limited (“Heathrow”) Response

We welcome the opportunity to engage with the CMA in response to its request for stakeholder views on the new rules and guidance that the CMA should adopt for its new appeals functions, and whether there should be any changes to the rules and guidance in the other sectors where the CMA follows an appeals process, such as the Airports Licence Modification Appeals Rules or Guidance.

As the CMA has recognised in the open letter, the Airports appeal powers have not yet been used in practice. Given this, there is no airports specific experience on which to draw and we are not currently in a position to take a view on whether the process is effective in achieving the Objective.

We do however wish to note that the statutory timeframe specified by CAA12 for lodging the application for permission to appeal is very short – only 6 weeks, and there is a very significant amount of documentation and evidence for the appealing party to prepare during that time. Given this extremely short timeframe, it would not be proportionate or effective to add any additional requirements onto the appeal parties during the pre-appeal stage and doing so would not support the Objective. Given that the overall Airports appeal process is time constrained with short windows for the CMA and parties to take steps or make decisions, we would caution against any changes to the Rules or Guidance which may add additional complexity to the process or which may cause the parties to incur significant additional costs.

Should the CMA be minded to make any changes to the Airports Licence Appeals Rules and/or Guidance, we request that the CMA carry out a formal consultation with the relevant parties and Heathrow would look to engage in detail with any such consultation.

If you have any questions regarding the content of this letter, please contact:

[Redacted contact information]

Yours faithfully,

Helen Stokes

Head of Legal, Regulation and Operations
Heathrow Airport Limited