

**BRITISH AIRWAYS PLC
DELTA AIR LINES, INC.
HEATHROW AIRPORT LIMITED
VIRGIN ATLANTIC AIRWAYS LIMITED**

Appellants

and

CIVIL AVIATION AUTHORITY

Respondent

**NOTICE OF EXTENSION OF TIME LIMIT FOR DETERMINATION OF APPEALS
UNDER SECTION 28 OF THE CIVIL AVIATION ACT 2012 AND NOTICE OF
EXTENSION OF PERIOD FOR CIVIL AVIATION AUTHORITY TO SUBMIT
REPRESENTATIONS TO THE CMA UNDER PARAGRAPH 19 OF SCHEDULE 2
CIVIL AVIATION ACT 2012**

1. On 11 May 2023, the CMA granted permission to each of British Airways plc, Delta Air Lines, Inc., Heathrow Airport Limited and Virgin Atlantic Airways Limited to appeal against the Civil Aviation Authority's (**CAA**) H7 Final Decision on the Economic regulation of Heathrow Airport Limited (CAP2524) of 8 March 2023 (**the Decision**). On 12 May 2023, the CMA appointed a Group of decision-makers to determine these appeals (**the Group**).

Extension of the time limit for determination of the appeals

2. Section 28(1) of the Civil Aviation Act 2012 provides that the CMA must determine an appeal under section 25 against a decision in respect of a licence within the period of 24 weeks beginning with the day on which the CAA published the relevant notice. The period within which the CMA was to have determined the appeals was due to expire on 22 August 2023.
3. The Group has decided that, in this instance, the period within which the CMA must determine the appeals should be extended by 8 weeks as provided for under section 28(3) of the Civil Aviation Act 2012. The revised deadline for the CMA's determination of the appeals will therefore expire on 17 October 2023.

4. In taking this decision, and following consultation with the parties to the appeals who raised no objections, the Group had regard to the number of appeals brought, the scope and complexity of the appeals including the number of grounds raised and the number of parties concerned, as well as the necessity to allow sufficient time to take full and proper account of all evidence received from the appellants, respondent and any interveners. The Group is satisfied that there are good reasons for extending the period of time within which the CMA must determine the appeals.

Extension of the deadline for the CAA's Responses

5. Under paragraph 19 of Schedule 2 to the Civil Aviation Act 2012, where the CMA has granted permission to appeal, the CAA is permitted to make representations to the Group for the purposes of the appeal. Rule 11 of the Airport Licence Condition Appeals Rules further provides that the CAA must make the representations to the CMA (the **Response**) before the end of the period of two weeks beginning with the day on which the CMA notifies its decision to grant permission to appeal against the Decision.
6. Following receipt of a request from the CAA, given the number of appeals and UK public holidays during the relevant period between the receipt of the Notices of Appeal and the deadline for the CAA's representations on the appeals to be submitted to the CMA, the Group has granted the CAA extensions to the deadlines before which it must provide the Responses to 5pm on 31 May 2023.

Kirstin Baker
CMA Group Chair

16 May 2023