

The Airport Charges Regulations Annual Report 2016-17

CAP 1572

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Chapter 1

Introduction

- 1.1 The Airport Charges Regulations 2011 (ACRs) implement European Directive (2009/12/EC, the Directive) on airport charges into UK law. The Directive covers airports that handle more than 5 million passengers per annum, and:
- sets common principles on transparency and consultation for airports in determining charges levied on users;
 - stipulates that airport charges should be non-discriminatory;
 - allows differentiated charges based on relevant, objective, transparent and non-discriminatory criteria;
 - requires Member States to appoint an independent supervisory authority (ISA) to ensure the correct application of the Directive and publish an annual report on certain matters relating to the ACRs; and
 - sets up mechanisms for resolving disputes about the level of airport charges, unless satisfactory procedures already exist under national law to assess whether airports are subject to effective competition¹.
- 1.2 In the UK, the CAA is the ISA and, as noted above, we are required to publish an annual report concerning the exercise of our ACR functions (Regulation 32).
- 1.3 This report covers the period from 1 April 2016 to 31 March 2017. Previous reports are available on our website.²
- 1.4 During the period of the report we had the following functions under the ACRs (although circumstances were such that it was not appropriate or necessary for us to exercise all of these functions):

¹ The UK has such procedures under the Civil Aviation Act 2012.

² <http://www.caa.co.uk/Commercial-industry/Airports/Economic-regulation/Competition-policy/Airport-charges-regulations/>

- to give notice to an airport operator that the ACRs apply in relation to that airport for that year (Regulation 5);
- to publish a list of regulated airports for the following year (Regulation 6);
- to consider imposing a penalty on an airport user for failing to provide prescribed information to an airport operator under Regulation 7(4) (Regulation 16);
- to investigate whether an airport operator is failing, or has failed, to comply with an obligation under the ACRs (Regulation 20); and
- to impose a compliance order on an airport operator that is failing, or has failed, to comply with an obligation under the ACRs (Regulation 21).

Structure of this report

1.5 The rest of this report is structured as follows:

- Chapter 2 looks at how we have exercised our functions under the ACRs; and
- Chapter 3 looks at other issues relating to the ACRs; including guidance on the application of our powers under the ACRs and the Thessaloniki Forum of Airport Charges Regulators (established by the European Commission).