

## BAA AIRPORTS MARKET INVESTIGATION

### Notice of provisional findings made under Rule 10.3 of the Competition Commission *Rules of Procedure*

1. On 29 March 2007 the Office of Fair Trading, pursuant to section 131 ([www.opsi.gov.uk/acts/acts2002/ukpga\\_20020040\\_en\\_12#pt4-ch1-pb1-l1g131](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020040_en_12#pt4-ch1-pb1-l1g131)) of the Enterprise Act 2002 (the Act), referred to the Competition Commission (CC) for investigation and report the supply of airport services in the UK. In accordance with section 133(2) and (3) (b) of the Act, the CC's investigation is confined to the effects of features of such market or markets for airport services in the UK as exist in connection with the supply of airport services by BAA.

#### Provisional findings

2. The CC inquiry group (the Group) appointed to consider this reference has provisionally found, on the statutory questions it has to decide pursuant to section 134(1) ([www.opsi.gov.uk/acts/acts2002/ukpga\\_20020040\\_en\\_12#pt4-ch1-pb2-l1g134](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020040_en_12#pt4-ch1-pb2-l1g134)) of the Act, that there are features of the relevant market that, either alone or in combination with each other, prevent, restrict or distort competition in connection with the supply of airport services by BAA such that there is an adverse effect on competition (AEC) within the meaning of section 134(2) of the Act.
3. The Group's reasons are set out in full in the provisional findings report, which is attached to this notice, and are summarized in the summary of the provisional findings report (see note (i) below).

#### The next steps

4. The Group now invites interested parties to submit reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied).
5. These reasons should be received by the Group no later than 17 September 2008.
6. The Group will have regard to any such reasons in making its final decisions on the statutory questions.
7. The Group is also publishing a notice of the actions which it considers might be taken by the CC to remedy the adverse effects provisionally identified, comments on which should also be received in writing, no later than 17 September 2008.

(Signed) CHRISTOPHER CLARKE  
Group Chairman  
20 August 2008

#### Notes

- (i) A copy of this notice and the provisional findings report will be placed on the CC website ([www.competition-commission.org.uk](http://www.competition-commission.org.uk)) on 20 August 2008. The published

version of the provisional findings report will not contain any information which the Group considers should be excluded from the report, having regard to the three considerations set out in section 244 ([www.opsi.gov.uk/acts/acts2002/ukpga\\_20020040\\_en\\_21#pt9-pb2-l1g244](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020040_en_21#pt9-pb2-l1g244)) of the Act.

- (ii) Comments should be made in writing to:

Inquiry Manager, BAA airport inquiry  
Competition Commission  
Victoria House  
Southampton Row  
London  
WC1 4AD

Or by email to: [airports@cc.gsi.gov.uk](mailto:airports@cc.gsi.gov.uk)