



***Regulatory Body for Railway  
Transport and Brussels Airport  
Operations***

**Communiqué C-2022-02-LA regarding the possible change in airport charges for the regulated period from 1 April 2023 to 31 March 2028 as a result of changes to the Brussels Airport Fuel & Oil policy.**

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## 1. Context

1. On 22 November 2022, the Regulatory Body for Railway Transport and for Brussels Airport Operations (hereafter “the Regulatory Body”) was notified by the holder of the operating licence of Brussels Airport (hereafter “BAC”) by email that the start-up of the regulated Fuel & Oil<sup>1</sup> activity, which was scheduled for 1 May 2023, might be postponed.
2. As the agreement with the current concessionaire expires, BAC had launched a European tender procedure to appoint a subcontractor to operate the fuel infrastructure on its behalf. However, because of procedural reasons, the planned awarding of the tender cannot go ahead.
3. On 1 April 2023, the next regulated period (“QQ4”) begins, which runs until 31 March 2028. The costs associated with the Fuel & Oil activity were included in the tariff proposal published by the operator at the end of the multi-year consultation.
4. Decision D-2022-04-LA<sup>2</sup> on this tariff proposal was issued by the Regulatory Body. This decision does not take into account the potential impact of this issue on the costs associated with Fuel & Oil. On the one hand because this aspect was outside the scope of the complaints procedure, and on the other because there is still uncertainty as to which party will ultimately be in charge of operating the activity in question. A final decision on this will be taken by the Board of Directors of BAC at a later date.
5. Through this Communication, the Regulatory Body wishes to inform the industry of the possible scenarios that BAC can implement in the Fuel & Oil policy, as well as their implications on the QQ4 tariffs.

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<sup>1</sup> This is in accordance with Article 1, 3°, d), of the Royal Decree of 21 June 2004 on the granting of the operating licence of Brussels Airport (hereinafter “the Licensing Decree”), i.e. supply of fuel to aircraft through centralised infrastructures.

<sup>2</sup> Decision D-2022-04-LA on the tariff system and the formula for tariff control for the regulated period from 1 April 2023 to 31 March 2028, as finally proposed by Brussels Airport Company. This decision is subject to any appeal to the Market Court, see paragraph 8 of this decision.

## 2. Analysis of the Regulatory Body

### **OPTION 1: The current concessionaire retains temporary ownership of the Fuel & Oil infrastructure**

6. The fuel infrastructure could continue to be operated by the current concessionaire until BAC takes over the infrastructure, whereby its operation may or may not be outsourced to a subcontractor.
7. The tariffs set by Decision D-2022-04-LA of the Regulatory Body are to be reduced from 1 April 2023. The Regulatory Body proposes that this tariff reduction be submitted to it in advance, in order to decide on the conformity of the costs associated with the Fuel & Oil activity with the regulations and its impact on the regulated tariffs.
8. The users will continue to pay directly to the current concessionaire for Fuel & Oil services for the duration of its operation.
9. When BAC takes over control of the installations, whereby its operation may or may not be outsourced to an operator, the tariffs may be increased. The Regulatory Body proposes that this tariff increase be submitted to it in advance, in order to decide on the conformity of the costs associated with the Fuel & Oil activity with the regulations and its impact on the regulated tariffs. The tariff increase will be announced to the users three months prior to its introduction in accordance with Article 52, §5, of the Licensing Decree.

**OPTION 2: BAC becomes owner of the Fuel & Oil infrastructure**

10. It is also possible that the activity will not be continued by the current concessionaire and that BAC will take over the fuel infrastructure, whereby its operation may or may not be outsourced to an operator.
11. This hypothesis has no impact on the regulated tariffs as set by the Regulatory Body in its Tariff Decision D-2022-04-LA.

Done in Brussels on 9 December 2022,

**For the Regulatory Body for Railway Transport and for Brussels Airport Operations,**

**Serge DRUGMAND**

**Director**