

[REDACTED]
[REDACTED]

7 April 2021
Reference: F0005191

Dear [REDACTED]

Thank you for your request received on 10 March 2021, for the release of information held by the Civil Aviation Authority (CAA). Where you have requested recorded information, we have considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA).

Your request and our response:

Why have the "CAA" chosen not to enforce their regulations, reference a passengers rights to receive full monetary reimbursement, for a delayed/cancelled flight, within 7 days?

Information on our powers to enforce consumer law can be found [on our website](#).

Our approach is to initially work informally and bilaterally with airlines to resolve any compliance issues. Our approach to prioritising our work is set out in our [Prioritisation Principles](#) and we provide more detailed information on our consumer enforcement policy in our [Guidance on Consumer Enforcement](#) document.

In our experience this approach generally works well and often leads to a swifter outcome than taking formal enforcement action. Where it is not possible to resolve compliance issues informally, we will consider taking enforcement action based on our published prioritisation principles.

Most recently, we have achieved a number of important improvements for passengers following our [review into airline refund practices](#). We gained immediate commitments from airlines, including easyJet, to improve their performance and the time taken to provide refunds to consumers, without requiring enforcement action. This is the most immediate way of providing benefits to consumers as enforcement processes can take a considerable amount of time to complete given the potential for legal proceedings.

How many complaints have the “CAA” received, from disgruntled passengers, since 28th June 2016?

To firstly provide some background, since the introduction of Alternative Dispute Resolution (ADR) in the aviation sector the CAA’s Passenger Advice and Complaints Team (PACT) no longer accept complaints about easyJet, or indeed any airline where an option to use ADR exists. ADR providers are better placed to handle complaints since the airline has agreed to be bound by the ADR provider’s decision, as long as the passenger accepts it; something we cannot guarantee if we deal with a complaint as we have no power to impose our view. More information on CAA approved ADR can be found on our website:

<https://www.caa.co.uk/passengers/resolving-travel-problems/how-the-cao-can-help/alternative-dispute-resolution/>

For the period 28 June 2016 up to and including 31 December 2020, 84,358 complaints about airlines have been received and accepted. This number includes complaints directly reported to the CAA, and to the two ADR bodies.

Since the end of 2017 the CAA have published complaints data relating to the ADR providers, as well as the CAA’s own PACT. These data sets can be found on our website:

<https://www.caa.co.uk/Data-and-analysis/Data-for-passengers/Complaints-and-enforcement/Passenger-complaints-data/>

How many of these complaints, are specifically related to “EasyJet”?

easyJet registered with the scheme run by the Centre for Effective Dispute Resolution (CEDR) in August 2016, and then transferred to AviationADR in May 2019. The CAA has not accepted complaints related to easyJet since August 2016.

For the period 28 June 2016 up to and including 31 December 2020, 21,691 complaints which relate to the easyJet group have been received and accepted. This number includes complaints directly reported to the CAA, and to the two ADR bodies.

This equates to approximately 139 complaints per million passengers carried by the easyJet group via UK airports.

Have the “CAA” ever taken action against “EasyJet” in the past?

If so, what was this for and what if any, sanctions were imposed?

The CAA’s enforcement powers come from Part 8 of the Enterprise Act 2002 and are based on powers to seek information, seek an undertaking, or where an undertaking is not provided to seek an Enforcement Order from the Court. We do not have the ability to impose a financial sanction on a business.

The CAA has not taken any action against easyJet under Part 8 of the Enterprise Act 2002. Details of our formal enforcement action are published on our website
<https://www.caa.co.uk/Our-work/About-us/Enforcement-and-prosecutions/>

In view of the pandemic and the fact that tens of thousands of passengers are currently being encouraged to accept vouchers, instead of a full monetary refund, does the “CAA” have any future plans, to enforce your own regulations?

Airlines have the option to offer travel vouchers/credits instead of a reimbursement, but only with the explicit agreement of passengers. It is important that consumers are given a clear option to request a cash refund without unnecessary barriers. In our view, the burden of proving that passengers were offered with the choice between reimbursement in cash and

reimbursement in form or voucher rest with the airline. We have been very clear that consumers have a right to a cash refund where their flight is cancelled, and we have reminded UK airlines of their obligation to supply a cash refund for the consumer where this is requested. This obligation comes from Regulation (EU) No 261/2004 as retained (and amended) in UK domestic law under the European Union (Withdrawal) Act 2018.

Our review into airline refund practices found that in the beginning of the pandemic there were a number of airlines who were not providing cash refunds and were only offering the choice of a voucher or rebooking. We also identified a number of issues regarding transparency where airlines did not provide clear information about the option of a cash refund or provide information about how to request a refund. Following discussions with us those airlines agreed to change their practices and to offer the choice of a cash refund. We also ensured that a number of airlines improved the way in which they informed passengers of a cancellation, providing clearer information about their options and better signposting on how to request a refund.

We continue monitoring airline refund practices, including vouchers, and we will not hesitate to take any further action where required.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

@caa.co.uk

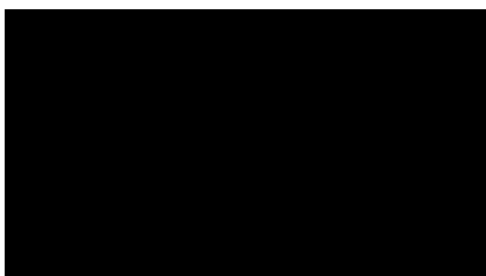
The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set out in the attachment. A request for an internal review should be submitted within 40 working days of the date of this letter.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely



CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.