

Finance and Corporate Services
Information Management

15 July 2013
FOIA reference: F0001561

Dear XXXX

I am writing in respect of your recent application of 17 June 2013, and further clarification dated 26 June 2013, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

Please send me:

- 1) Any and all information relating to suspension of airworthiness certificates for Monarch Airlines aircraft, including any incidents or accidents of aircraft in the UK or overseas.*
- 2) Any and all information on incidents relating to Monarch Airlines, specifically on their Airbus A320 operated aircraft and engine performance/failures.*
- 3) Any and all information relating to complaints made to CAA by Monarch Airlines passengers regarding EU 261/2004 from 23 October 2012 where the flight has been delayed for more than 3 hours, as follows:*
 - 1. How many complaints you received from Monarch Airlines customer in relation to EU261/2004.*
 - 2. Reasons for delay (technical issues/crew etc)*
 - 3. Number of successful/unsuccessful claims*
 - 4. How much compensation the CAA has secured for customers who have made complaints about Monarch Airlines in relation to EU261/2004.*
 - 5. How many upheld claims made by Monarch Airlines Customers by the CAA, specifically relating to delays due to technical fault on aircraft.*

Our response:

In assessing your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are able to provide the information below.

Civil Aviation Authority

Aviation House GW Gatwick Airport South Crawley West Sussex England RH6 0YR www.caa.co.uk
Telephone 01293 768512 rick.chatfield@caa.co.uk

1. The CAA can confirm that no records are held in relation to any suspension of airworthiness certificates for Monarch Airlines aircraft.

Incident reports are provided to the CAA under the terms of the Mandatory Occurrence Reporting (MOR) scheme, as described under Article 226 of the Air Navigation Order 2009 (ANO). Each report made is reviewed and, where appropriate, further investigation carried out and action taken.

Section 44 (1) (a) of the FOIA provides that information is exempt information if its disclosure is prohibited by, or under, any enactment. Under Section 23 of the Civil Aviation Act 1982, information which relates to a particular person (which includes a company or organisation) and has been supplied to the CAA pursuant to an ANO is prohibited from disclosure. The information requested is therefore exempt from disclosure under Section 44 of the FOIA (a copy of this exemption can be found enclosed).

For more information about the Mandatory Occurrence Reporting scheme, can be found at: www.caa.co.uk/cap382

However, the UK Air Accident Investigation Branch (AAIB) is a separate organisation responsible for the investigation of civil aircraft accidents and serious incidents within the UK and its overseas territories on behalf of the Department for Transport (DFT). Publications relating to specific aircraft accidents and serious incidents including any relating to Monarch Airlines are available to download at the following website address; <http://www.aaib.gov.uk/publications/index.cfm>

2. Please see answer above.

3.

1. Information on complaints received by the CAA are published and available at the link below:

<http://www.caa.co.uk/default.aspx?catid=80&pagetype=88&pageid=27&sglid=27>

2. The CAA has assessed two Monarch claims for compensation for delayed flights since the Court of Justice of the European Union (CJEU) ruling on 23 October 2012 and both relate to technical issues.
3. To date the CAA has provided the airline with a view that compensation is due in one of the cases in 3.2 above. The CAA has gained reimbursement of passenger expenses in two cases but these pre-date and do not relate to the CJEU ruling.
4. The CAA has provisionally secured €600 for the claim referred to in 3.3 above, in so far as airlines have been accepting the CAA's view on claims it has assessed. Though the number of passengers entitled to this amount on this claim is unclear.

5. As with 3.2 above the CAA took the view in one case that the technical fault did not fall to be considered as an “extraordinary circumstance” that would exempt the airline from offering compensation under Regulation EC261/2004. The CAA is not in a position to confirm the reasons for the delay for all other Monarch claims received or reopened since 23 October 2012 since they may be subject to further assessment and investigation.

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:-

Mark Stevens
External Response Manager
Civil Aviation Authority
Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

mark.stevens@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 in the attachment.

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

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.gov.uk/complaints.aspx

Should you wish to make further Freedom of Information requests, please use the e-form at <http://www.caa.co.uk/foi>.

Yours sincerely

Rick Chatfield
Information Rights and Enquiries Officer

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.

Freedom of Information Act: Section 44

(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it-

- (a) is prohibited by or under any enactment,
- (b) is incompatible with any Community obligation, or
- (c) would constitute or be punishable as a contempt of court.

(2) The duty to confirm or deny does not arise if the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) fall within any of paragraphs (a) to (c) of subsection (1).

Section 23 of the Civil Aviation Act is such a statutory prohibition. Accordingly, the obligations of the CAA to comply with Section 23 are unaffected by the Freedom of Information Act.

Under Section 23, information supplied to the CAA in connection with its regulatory functions and which relates to a particular individual or organisation must not be disclosed by the CAA unless such disclosure is authorised by one of the exceptions contained in Section 23 itself.