

Licence Drafting Introductory Seminar

CAA House, 1 March 2010

Note of the points raised by attendees

Attendees

1	Maureen Spence, Gatwick Airport	10	Jim Hunter, AOC Heathrow	19	James Fremantle, AUC
2	Louise Congdon, York Aviation	11	Laurie O'Toole, IATA	20	Tim Hawkins, BAA
3	Joe Kelly, Birmingham Int. Airport	12	Robert Nicholls, MAG	21	Hywel Rees, BAA
4	Paula Streeet, Gatwick Airport Consultative Committee	13	Phillip Carlisle, HACC	22	Isobel Knox, BA
5	Peter Smart, Aberdeen Airport Consultative Committee	14	Ben Williams, AOC Heathrow	23	Chris Gadsden, easyJet
6	Hamsin Hadziabdic, Peel Airports	15	Kirstin Hofbeck, NIAL	24	Ian Clayton, easyJet
7	Andrew Walker, Gatwick Airport	16	Brian Ross, SSE	25	David O'Brien, Ryanair
8	Roger Wiltshire, BATA	17	Jim McAuliffe, Bristol Airport		
9	Martin Gammon, WFS Cargo	18	Elliot Renton, London Luton		

Explanation of the "status" column

There are generally two options: "ongoing"/"open" or "closed".

"open/ongoing": the issue will be revisited in the next seminars

"closed": the issue will not be revisited, either because we have taken action or because it is outside the scope of our project. Where we remarked that we added an issue to our list of issues to consider further for our licence drafting advice, we marked the status as "closed", and the issue is now included in our list of issues that we will consider further when developing the draft advice.

Points raised

Ref	Originator	Description of issue	Comments	Status
1.	16	The DfT are currently consulting on the role of the CAA. Could the CAA ask for more flexibility in the terms of reference for its advice?	The CAA has the ability under the ToR to highlight issues that the licence drafting project identifies. These could relate issues raised that relate directly to the licence drafting or to the DfT's work to prepare a draft Bill to implement the RER additional points to the DfT.	Closed
2.	22	Will there be any statutory duties on the airport operators?	The CAA understands that DfT was not proposing any statutory duties on airports. If there is a case for additional obligations to be placed on the airport, this would need to be through the licence.	Closed <i>(Passed for info to DfT)</i>
3.	23	What is the role of stakeholders in this process?	The CAA is seeking to involve stakeholders to inform its advice to the DfT. It intends to share with the DfT a record of the issues raised by stakeholders. Consequently, the process of stakeholder engagement should serve two broad purposes: to shape the CAA's advice on the licences; and to provide the DfT with a record of issues raised (some of which might outside of the licence drafting project's ToR).	Closed
4.	25	What is the purpose of the licence? What benefit does it bring?	The CAA supports the introduction of a targeted licensing regime for airports, which will provide the CAA with a more flexible regulatory tool with which to regulate airports that enjoy degrees of market power that warrant detailed economic regulation. One of the important benefits of introducing an airport licence	Closed

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			<p>will be to allow the CAA to introduce a broader range of tools, and to tailor its interventions more closely to the individual circumstances of each airport. The licensing regime would also bring benefits of an updated appeals regime, installing the CC as the appeals body and streamlining the process of reviewing price controls.</p> <p>More detail on the CAA's views are set out in its response to the DfT's consultation (see chapter 3):</p> <p>http://www.caa.co.uk/docs/5/ergdocs/20090522FrameworkEcRegCAA.pdf</p>	
5.	13	Does the CAA have any views on what should be a term and what should be a condition?	The CAA has no firm views at this stage. The presentation set out the CAA's initial view (where it had one), but it is inviting input from stakeholders on this issue.	Closed
6.	16	Is the coverage of Tier II necessarily the same as for the ACD? The DfT could designate the largest 13 airports, as there is a large gap until the 14 th (by passenger numbers).	The issue of how to implement the ACD is one that the DfT are considering. The CAA understands that there will be a consultation on the ACD implementation later this year.	Closed <i>(Passed for info to DfT)</i>
7.	16	If the DfT wants a level playing field, it should consider whether Tier II status gives an airport a competitive advantage (over airports outside of Tier I & II).	The package of reforms proposed by the DfT (in the Review of Economic Regulation (RER) and the current Review of Air Transport (RAT) consultation) would provide the CAA with a range of tools relating to competition, including: concurrent powers over activities taking place at UK airports, strengthened consumer enforcement powers, the ability to move an airport	Closed <i>(Passed for info to DfT)</i>

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			<p>into Tier I and the ability to make market investigation references to the CC.</p> <p>As proposed, the CAA would not have powers to introduce any additional obligations on Tier II airports through their licences.</p> <p>The CAA supports the DfT's proposals and is not seeking any additional regulation powers beyond those currently proposed by the DfT.</p>	
8.	24	Airports are different from energy networks and we should consider the impact of the licence on the market for airport ownership.	<p>The CAA agrees. We need to consider issues such as:</p> <ul style="list-style-type: none"> - would the licence allow a change of airport ownership? - would the licence allow for different forms of airport ownership? <p>This is also relevant for DfT's work on the overall legislative framework.</p>	<p>Ongoing</p> <p><i>(Applies to CAA project and DfT workstream – passed for info to DfT)</i></p>
9.	25	Different forms of airport ownership, such as different terminal operators, might result in independent terminal operators falling below the 5mppa threshold for ACD, whilst the runway owner could still fall within the threshold.	<p>The issue highlighted by this example might have implications for the drafting of the initial licences and for the draft Bill and is something that the CAA and DfT need to consider.</p> <p>The CAA notes that the DfT has supported the need to ensure that the new framework (Act and licences) facilitates competition (through the proposed primary duty) and does not preclude new forms of airport ownership, such as terminal competition (see 1.19 of RER decision document).</p>	<p>Ongoing</p> <p><i>(Applies to CAA project and DfT workstream – passed for info to DfT)</i></p>
10.	22	ACD needs to be implemented, but this	The DfT has set out its proposals for a tiered licensing regime,	Closed

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		could be done without a Tier II licence, removing the need for a Tier II licence altogether.	so this issue falls outside of the current ToR.	<i>(Passed for info to DfT)</i>
11.	4	Tier II licences would be based on a passenger threshold. However, if an airport with less than 5mppa enjoyed a position of substantial market power (SMP) in a cargo market would this airport be placed in Tier I?	The DfT has proposed a set of criteria (closely based on the current designation criteria) that would be reflected in the Act that would determine whether an airport could be placed into Tier 1. These criteria would permit an airport with SMP in a cargo market to be placed into Tier 1, as long as there was a net benefit from doing so.	Closed
12.	23 & 7	The CAA is proposing that there would be collective licence conditions for Tier I and II airports relating to information provision and interactions with Passenger Focus, on the grounds that these conditions would be the same for all airports. However, a distinction should be made between individual licence conditions that are the same for all airports and collective licence conditions. For example, if a licence condition significantly affected the interests of an individual airport it would be more appropriate to have this condition subject to an individual modification process, and outside of	<p>The CAA agrees that this distinction is important.</p> <p>The rationale for using collective licence conditions should be based on whether it is important for these licence conditions to remain the same over time, whilst not exposing an individual airport to undue risk associated with its inability to trigger an appeal of a modification of these conditions.</p> <p>Where an obligation has a significant impact on the interests of an airport operator it is more likely that an individual licence condition would be appropriate.</p>	<p><i>CAA to update its list of factors to consider when choosing between individual and collective licence conditions.</i></p> <p>[Open]</p>

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		the collective modification process.		
13.	22	Does the reduction in the number of airports that will hold a licence reduce the CAA's ability to collect statistics?	The CAA's powers to collect information stem from the aerodrome safety licence. The DfT's reforms would not reduce the CAA's ability to collect information from UK airports. In addition to licence obligations on licensed airports, the DfT also intends to give the CAA a more general information gathering power that extends beyond only licensed airports.	Closed
14.	24	Does the CAA consider that there should be additional conditions relating to, for example, delivery of the investment plans or debt:RAB ratios, set out in the price control settlement?	<p>The ToR for this project allow the CAA to advise the DfT of any additional licence conditions that should be included in the initial airport licences.</p> <p>The DfT has also set out its policy in respect of modifying the current price control settlements in the March 2009 consultation document (para 7.17), the December 2009 RER decision (para 4.34) and the Terms of Reference for the CAA's advice.</p> <p>The CAA's primary focus is to draft initial licences that populate categories "1" and "2" set out in the ToR. The CAA is, however, interested in proposals for additional licence conditions, and will consider these proposals and reflect them in its advice to the DfT.</p> <p>Regarding the need for any additional financing conditions, the DfT's request for advice expressly excluded this area as the DfT is developing further its policies on this itself.</p>	<p><i>Added to CAA's list of potential additional licence obligations.</i></p> <p>Closed</p> <p><i>(Comment on financing (debt:RAB ratios) passed for info to DfT)</i></p>
15.	20	If the CAA thought that additional obligations were needed, could it	This is possible under the licence framework. An alternative would be to propose such conditions as part of the next price	Closed

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		propose a licence condition now that would take effect after the current price controls have expired?	control review, at which time they would fall within the updated regulatory framework and be subject to the proposed appeals regime.	
16.	25	The licences should contain conditions that encourage competition, including access to information and third-party access to facilities.	The CAA agrees that these issues should be considered further.	<i>Added to CAA's list of potential additional licence obligations.</i> Closed
17.	7	Any additional obligations should be subject to structured analysis and an impact assessment.	The CAA agrees that any new proposals should be sufficiently justified. The CAA's advice on any proposed additional obligations will be conditioned by the strength of the evidence available.	Closed
18.	23	The CAA could adopt a broader interpretation of the price control settlement and its ToR, by considering aspects of the price control settlement that it would have implemented had it enjoyed the ability to propose licence conditions. This approach would allow the CAA to consider whether there should be additional obligations relating to investment delivery (noted above) and service quality.	The CAA is conscious of the risk that the licence drafting project could undermine the basis upon which the price control settlements were reached. It is open to the CAA to propose additional licence obligations, to be included in the initial licence or after the licence modification process has been implemented. It is likely that the licence-based framework would be implemented when the next price control review is underway. In light of this, where issues are closely related to the price control settlements, it seems appropriate to consider them as part of the next price control review process. It is open to stakeholders to propose additional obligations that	<i>Proposal relating to the potential for additional licence conditions to implement service quality aspects of the price control added to the CAA's list of potential additional licence obligations.</i> Closed

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			should be included in the initial licences. The CAA will summarise these proposals and pass them to the DfT, along with any views that it might have on these proposals.	
<i>#1 – Construction and interpretation</i>				
19.	2	Is there a definition of what an airport is? Is this specific to the airport operator or the owner of the assets?	This is an important issue that needs to be addressed by the draft Bill and licence. [Related issue to item 9]	Ongoing <i>(Applies to CAA project and DfT workstream – passed for info to DfT)</i>
<i>#2 – Information provision</i>				
20.	24	What are the sanctions and penalties for not providing accurate information?	These are currently subject to the DfT's RAT consultation (due to close on 11 March). The DfT proposes a package of sanctions, including the ability to impose financial penalties.	Closed
21.	16 & 7	Information provision conditions should include specifying the frequency with which information should be provided and a general power to make ad hoc requests.	The CAA is envisaging that there will be a general condition setting out an obligation to comply with information requests. If there is a need for regular reporting – such as to support a price control settlement – it would be necessary to specify the frequency with which information should be reported.	Ongoing <i>For further consideration.</i>
22.	25	The licence should also cover the provision of information to airlines and passengers, such as for environmental reports that have been prepared by the	The CAA agrees that this is an issue that should be considered further. The "Information provision" category should consider both the provision of information to the regulator and the provision of	Ongoing <i>For further consideration.</i>

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		airport, funded through airport charges.	information to third parties.	
23.	7	The licence cannot create a power for the CAA to publish information through a licence condition.	<p>The CAA supports the DfT's current proposals (subject to an open consultation ending 11 March) to provide it with powers to collect and publish information, where this would further its statutory duties.</p> <p>The CAA agrees with the view that the licence is not the appropriate way to construct an additional power for the CAA to publish information. The licence could, however, be used to oblige the airport to publish information, where this was appropriate.</p>	Closed
24.	13	Information collection powers should also apply to Tier II airports.	<p>The CAA's current view is that it should have powers to collect (and publish, where appropriate) information from all UK airports.</p> <p>The CAA's current view is that this power should be mirrored in the Tier I and Tier II licences.</p>	Ongoing <i>For further consideration.</i>
25.	18	Information publication should take account of confidentiality.	Agreed.	Ongoing <i>For further consideration.</i>
26.	25	Information provision and publication should both support regulation and facilitate competition.	The CAA's proposed duties explicitly refer to the need to promote competition. The licence is one possible tool to give effect to this duty.	Ongoing <i>For further consideration</i>
27.	12	It is important to maintain a balance	Agreed.	Ongoing

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		between releasing information to promote competition and the increasing importance of commercial confidentiality as competition develops.		<i>For further consideration</i>
28.	25	Information release could be a relevant factor when considering whether to move an airport out of Tier I. If an airport facilitated competition (e.g. terminal competition) it could be rewarded with a move to Tier II.	The licence needs to allow for different ownership structures. The issue of how best to provide incentives to encourage competition and provide for a potential route for an airport to move out of Tier I is an issue that will need to be considered as part of the CAA's project on 'Preparing for a more competitive airports sector'.	<i>Relevant to Competition & Regulation Project</i> Closed (for this project)
#3 – Licence revocation				
29.	24	The NATS licence includes conditions relating to shareholders exerting undue control over the business. Could this be mirrored in airport licences to stop, for example, BAA acquiring an interest in Gatwick?	It is unclear which conditions in the NATS licence are being referred to here. In any event, the CAA considers that this risk is best dealt with through UK and EC merger control.	Closed
30.	13	Would a change of ownership result in a licence being revoked and reissued?	For the airport to be open, the operator would, at all times, need to have a licence (if it is in Tier I or II). It is important that the Bill and licence framework provide a mechanism that is robust to changing airport ownership.	Ongoing <i>(Applies to CAA project and DfT workstream – passed for info to DfT)</i>
31.	25 &	Licence revocation is an empty threat as it would not ever be in the interests	The CAA considers that licence revocation is a useful backstop power, to be used in the very unlikely event that the other	Closed

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	10	of airlines or passengers for an airport to close due to a breach of the economic licence. (Closure on safety grounds is a credible threat, as this is in the interests of airlines and passengers)	enforcement powers are failing to hold the airport operator to account. The CAA agrees that it is highly unlikely that this power would ever be used.	
32.	2	Licence revocation and the DfT's policy on continuity of operations are incompatible.	See item 31.	Closed
33.	25	Is there an ability to transfer assets from one airport operator to another?	The DfT has not proposed to give the CAA a power to transfer airport assets between airport operators. The CAA's focus has been on ensuring that airports can be allowed to fail – something that proposals for a Continuity of Service Plan would support – which would provide a mechanism for assets to transfer from one airport owner to another. The licence and Bill should facilitate the transfer of licences between airport operators, so as to support the market for airport ownership and ensure that airport operators can be allowed to fail.	Ongoing <i>(Applies to CAA project and DfT workstream – passed for info to DfT)</i>
34.	20	Any revocation would need to be proportionate. Licence revocation would prevent the airport from operating its assets (as an airport) but would not affect the ownership of the	The CAA agrees that any licence revocation would need to be a proportionate remedy and would, therefore, be reserved as a backstop power to be used as a last resort. The CAA's current understanding is that revocation of the economic licence would not, by itself, require the ownership of	Closed

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		assets.	the airport assets to change. The DfT is not proposing to give the CAA any power to force a change of ownership of any airport assets.	
35.	3	Shareholder discipline would kick-in before a licence revocation was a realistic prospect.	The CAA agrees that revocation is unlikely to be used in practice and that the set of other enforcement powers under the licence would be designed to prompt a change in behaviour from the licensed airport without recourse to this back-stop power.	Closed
36.	22	Enforcement should be a credible threat against the licensed company and should support the transition to a new owner, if required. The framework applying to NATS allows for third-party damages claims – this should be considered for the airports' framework.	The CAA considers that the DfT's proposals would provide the CAA with a credible package of sanctions to enforce licence conditions. The CAA notes the issue of third-party damages and will need to consider this further, and consider whether this is an issue for the DfT (i.e. the Bill) or the CAA (i.e. the initial licences).	Ongoing <i>(Third party damages)</i>
#4 – Licence duration				
37.	12	The price controls are time limited. How does this relate to the licence duration.	It is important to distinguish between the duration of the overall licence and the duration of an individual licence condition. The price control would be implemented through a series of licence conditions, which means that the price control licence conditions could expire without affecting the duration of the overall licence.	Closed
38.	21 &	There needs to be a process for applying for a licence, to allow for new terminal operators, new airport owners,	The CAA agrees with the principle that the licensing framework should support different forms of airport ownership and should support the market for airport ownership. This might	Ongoing <i>(Applies to CAA)</i>

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	25	etc. There should be a process to allow unbundling of existing airports into a number of different entities.	necessitate an ability to apply licences to parts of an airport, or issue licences in advance of the acquisition of the relevant operating assets. This is an issue that might affect the licence drafting and the preparation of a draft Bill to implement the RER package.	<i>project and DfT workstream – passed for info to DfT)</i>
39.	25	Any Compulsory Purchase Order powers should be available to competing operators, or potential operators, of airport assets.	This is an issue for the Government.	Ongoing <i>(Passed for info to DfT)</i>
#5 – Payment of licence fees				
40.	13	Who controls Passenger Focus' budget?	This is an issue currently being consulted upon by the DfT and is the subject of an open consultation (closing 11 March).	Closed <i>(Issue for DfT to consider – passed for info to DfT)</i>
41.	25	Are Passenger Focus adding any value to passengers? Could contributions to Passenger Focus be made on a voluntary basis by passengers?	This is a decision for the DfT and is the subject of an open consultation (closing 11 March).	Closed <i>(Issue for DfT to consider – passed for info to DfT)</i>
42.	10	What are the controls on the CAA's budget, both in terms of visibility and the overall amount? How can the CAA advise on these issues?	This is ultimately an issue for Government. The CAA expects to advise the Government on a proportionate approach to the setting of the CAA's budget, with appropriate checks and balances.	Closed

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43.	23	Passenger Focus' costs will be met only by Tier I and II airports, meaning that airports falling outside these two Tiers would not pay for PF.	The DfT's set out its decision that the costs of Passenger Focus should be met by Tier I and II airports. The DfT are currently consulting on whether these airports would also meet the additional CAA costs associated with implementing its consumer policy role. This consultation closes on 11 March.	Closed
44.	20	There is a need to set out how the process of recovering Passenger Focus' costs will work.	This is an issue for Government and is, in part, subject to ongoing consultation.	Closed
45.	3	Licence fees should be transparent and cost-related, with costs allocated to those responsible for generating the costs.	The CAA currently anticipates that the methodology used to calculate individual licence fees would not be included in the licenses. The licenses could, however, specify the amount of fees, a maximum amount, or oblige the licensee to pay fees as notified by the CAA. These alternatives will need to be explored.	Ongoing
<i>#6 – Price Control Conditions</i>				
46.	23	The CAA should consider the intent of the price control settlement and identify whether any additional licence conditions would have been introduced if those powers had been available at the time.	See answer to point 18.	Closed
47.	24	Is the CAA considering any additional	See answer to point 18.	Closed

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		obligations to add to the enforcement of the price control settlement?		
48.	25	There is a promise embedded in the price control settlement that an investment plan will be delivered. There should be an obligation to refund any monies not spent to airlines.	<p>The Q5 price control review considered the incentives associated with capital investment. The refunding of any under-spend would have the effect of moving to a cost pass-through approach to capital investment, rather than the incentive approach embodied in the current price control settlement.</p> <p>The CAA will add this proposal to the list of suggested additional obligations.</p>	<p><i>Added to CAA's list of potential additional licence obligations.</i></p> <p>Closed</p>
49.	16	Under the Airports Act, the CAA can allow environmental costs, including homeowner compensation, which leads to them being capitalised and be built into charges to airlines. However, the RER package, exempts the CAA from the overall proposed environmental duty. Some of these compensation schemes and commitments are statutory, others are not. There is a concern that the CAA might allow environmental mitigation costs in a price control but, following appeal from the airlines that would meet the costs, be forced to disallow these costs.	<p>The CAA's policy on the treatment of environmental costs at Heathrow and Gatwick is referred to in paragraph 2.91 of the CAA's response to the DfT's March 2009 RER consultation, available at http://www.caa.co.uk/docs/5/ergdocs/20090522FrameworkEcReqsCAA.pdf.</p> <p>The CAA's future decisions will be determined by the statutory duties that are relevant at that time and it is difficult at this stage to anticipate what the CAA's future policy would be, until the statutory duties have been determined by Parliament.</p>	Closed

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50.	16	Should environmental licence conditions be extended to Tier II airports?	<p>The DfT's stated policy is that Tier II licences should be used to implement the Airport Charges Directive.</p> <p>The CAA understands that the framework would not allow for additional provisions to be included within the Tier II licences relating to environmental performance.</p>	Closed
51.	22	Why does the CAA need to update the price control conditions, if its policy is to leave the settlements unchanged?	The "updating" referred to on slide 29 refers to the potential for the price control conditions to be 're-based' as the opening year for the condition would no longer be 2008 (LHR, LGW) or 2009 (STN). This form of "updating" would not be intended to affect the profile of the price caps.	Closed
52.	24	The price control conditions could be expressed as a long-term average cap, smoothing the 'saw tooth' problem.	This would be a different approach to setting price controls. This is best considered as part of the CAA's project to identify alternative approaches to regulating airports.	<p><i>Relevant to Competition & Regulation Project</i></p> <p>Closed (for this project)</p>
53.	7	One approach would be to adopt the disapplication process used in energy price controls, whereby if no disapplication requests were received the price control would continue to apply.	<p>The CAA agrees that we should consider how other sectors have dealt with this issue.</p> <p>One issue that we face is that these provisions have been set as part of the price control settlements. As the licences will implement an existing price control settlement, there has been no discussion of the appropriate level at which the price control should be set if the next price control settlement does not take place.</p>	Ongoing

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54.	22 & 7	<p>Would the price control continue as a specific value or as a formula?</p> <p>Other sectors have used different approaches, depending upon whether the price control settlement has a large "X" value.</p>	This is an issue that needs to be decided upon.	Ongoing
#7 – Public Interest Conditions				
55.	25	At Stansted, airlines and the airport agreed an absolute maximum queuing time, which has not been reflected in the price control settlement. The licence should reflect this agreed position.	To the extent that the airport and airlines have agreed a different performance metric, the CAA would be minded to reflect this in the licences.	Ongoing
56.	23	All of the Public Interest conditions should be rolled forward into the licence.	This is the CAA's default position, unless there is a strong argument that the conditions are no longer required.	Ongoing
57.	25	Differential pricing should be introduced at the Tier I airports, as it is good for passengers.	<p>Other than where there are specific public interest findings (e.g. Stansted cargo operations), there are no obligations currently proposed relating to the structure of charges.</p> <p>The CAA will add the potential for such obligations to its list of potential new licence conditions.</p>	<p><i>Added to CAA's list of potential additional licence obligations.</i></p> <p>Closed</p>
58.	25	The consultation and information provision public interest conditions are	The new framework would provide for an enforcement regime, including financial penalties.	Ongoing

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		<p>valid but without sanctions are not effective. There is a danger of too much prescription, allowing the airports to take a “tick box” approach to compliance.</p> <p>There should be less prescription and more enforcement.</p>	The balance between detailed rules and high-level principles is an important consideration for this project, and will affect how the individual licence conditions are codified.	
59.	22	It is logical for the Heathrow information and consultation protocol to be in the airport’s licence.	The CAA’s current position is that the airport licences would include licence conditions relating to the information and consultation protocols, most likely by including the protocols as a subsidiary document to the licence.	Ongoing
<i>#8 – Statutory Accounts Conditions</i>				
60.	25	The CAA should use the accounts conditions and reconcile the statutory accounts to the regulatory accounts.	The licence will need to include sufficient obligations on the airport to provide information to the regulator.	Closed <i>(See items 21 & 22)</i>
		The CAA should also reconcile the accounts to the projects made at the time of the price control reviews.	The reconciling regulatory and statutory accounts information could form part of the information provision to the CAA.	<i>Added to CAA’s list of potential additional licence obligations.</i> Closed

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			The reconciling of accounts to past projections is typically presented in subsequent price control documents. The CAA will consider whether its current approach is sufficient.	<i>An issue for the lessons learnt from the Q5 price control, rather than for the airport licences.</i> Closed (for this project)
61.	18	The accounts conditions appear to duplicate provisions required for the ACD.	The CAA will aim to avoid duplication between the ACD conditions and other licence conditions.	Ongoing
62.	16	Companies House are failing to publish the information notified to them as a result of the accounts condition. BAA has shared the relevant information upon request, but it is not routinely published.	If the accounts conditions remain, there is a need to ensure that, where appropriate, the information is published in a suitable form.	Ongoing
#9 – International Obligations				
63.	22	Need to be clear about whether the international obligations are covered by the ACD provisions. Should consider whether environmental legislation affects the airport licences.	The CAA agrees that there is a need to identify whether there are obligations over and above those in the ACD. The CAA will need to consider the impact of Environmental legislation.	Ongoing

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<i>#10 – Relation to Passenger Focus</i>				
64.	8	The CAA should ask Passenger Focus or the Rail Regulator for advice on how its role has been incorporated into rail licences.	Agreed.	Ongoing
65.	7	Energy and rail both have independent consumer representation, and could provide a useful model of how to incorporate into airport licences.	Agreed.	Ongoing
66.	13	Survey collection is Passenger Focus' USP. Should avoid PF duplicating existing surveys (e.g. QSM) and resulting in unnecessary extra costs.	An issue for DfT and, prospectively, Passenger Focus.	Closed <i>(Passed for info to DfT)</i>
67.	22 & 23	There should be transparency of the information made available to Passenger Focus.	An issue for DfT and, prospectively, Passenger Focus.	Closed <i>(Passed for info to DfT)</i>
68.	4	Licence should reflect the liaison between AOCs/ACCs and Passenger Focus, especially if Passenger Focus decides to set up Consumer Panels at major airports.	At this stage, the CAA is inviting views on what conditions might be relevant.	Ongoing
69.	2	Will the formal status of ACCs under the Civil Aviation Act be replaced?	An issue for DfT; we understand that DfT does not intend to change the ACCs' statutory basis. The RER decision also said	Closed <i>(Passed for info to</i>

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			that Government would review its guidance to the Airport Consultative Committees to facilitate co-operation between the Committees and Passenger Focus.	<i>DfT</i>)
<i>Other Issues</i>				
70.	8	Could the CAA highlight areas of discontinuity between the current and future framework?	The CAA agrees that it would be useful to highlight areas where there are changes in the nature of obligations placed on airports.	Ongoing
71.	22	Could the CAA make electronic copies of all of the handouts available?	These have been placed on the CAA's website at http://www.caa.co.uk/default.aspx?catid=78&pagetype=90&pageid=68 under the heading "Drafting airport licences".	Closed