

4 March 2014
FOIA reference: F0001817

Dear XXXX

I am writing in respect of your recent request of 5 February 2014, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

- 1. How many passengers appeals have you had to deal with under EU Regulation 261/2004 following delays?*
- 2. How many have you upheld and how many have you rejected?*
- 3. Which airlines were passengers travelling on and how many successful and unsuccessful cases did each airline have?*
- 4. How does this compare with 2012 for each question?*

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.

1. Firstly, it might be helpful if we explain our complaints process to ensure there is clarity as the terminology is different. Consumers can refer their complaint to the CAA if they have been unable to resolve it with the airline. After an initial validation, the CAA will take up the complaint with the airline and, following our intervention, the airline may agree to pay compensation. We refer to these cases as 'complaints' rather than appeals. The CAA publishes complaint figures on our website and information can be found at the following link:

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

2. Following intervention with an airline, the CAA will take a view on whether the airline is justified in rejecting a particular claim. However, our view is not legally binding on the airline and cannot be upheld should the airline's view differ from our own. Ultimately that may be for a court to decide.

By way of background to your request, new guidance clarifying the "extraordinary circumstances" clause in Regulation EC261/2004, that airlines can invoke to decline compensation for lengthy flight delays, was published in July 2013. As a consequence the

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CAA referred claims back to airlines for reassessment in light of the new guidelines, asking the airlines to reply directly to the consumer after their re-evaluation. We are currently not in a position to advise if we agree with all of these assessments. In addition we refer new complaints on a weekly basis to airlines.

The right to compensation for delayed flights followed a decision by the Court of Justice of the European Union (CJEU) on 23 Oct 2012. Since then, where we have received responses from airlines and assessed these cases, after the CAA's intervention we have been successful in achieving compensation in 4575 cases. The CAA has agreed in 1479 cases that the airline has been justified in their decision to deny compensation, while in 500 cases the CAA has disagreed with the airline but they have continued to refuse compensation. The CAA also has a further 7531 that are pending review by the airline or are potential requests for further review from passengers.

3. The number of complaints received by each airline are included in the link provided above. However, the CAA is not in a position to give a definitive number of successful or unsuccessful cases on an airline by airline basis given the level of pending cases that are currently under review with the airlines, or where a passenger has asked for a further review. Also, the CAA only holds numbers for complaints that consumers refer to the CAA. We do not hold total numbers received by airlines.

4. As explained above, the right to compensation for delayed flights followed a decision by the CJEU on 23 Oct 2012 and, therefore, information relating to complaints received in 2012 is not comparable with the level of complaints received by the CAA following the ruling.

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.