

9 June 2014
FOIA reference: F0001927

Dear XXXX

I am writing in respect of your recent request dated 9 May 2014, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

1. *“The total number of complaints received by the CAA in relation to regulation (EC) number 261/2004 of the European Parliament and of the Council of 11th February 2004.*
2. *The total number of complaints in respect of regulation number 261/2004 which relate specifically to Jet2.com Limited.*
3. *The number of occasions on which the CAA has deployed criminal sanctions against air operators for non-compliance with regulation number 261/2004.*
4. *Whether or not the CAA has commenced criminal sanctions against Jet2.com Limited for non-compliance of regulation number 261/2004”.*

Our response:

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

1. The CAA has received 59,808 complaints relating to Regulation EC261/2004 since it came into force on 17 February 2005.
2. The CAA has received 1,790 complaints relating to Jet2.com since Regulation EC261/2004 came into force on 17 February 2005.
3. There have been no such criminal prosecutions.
4. The CAA has not commenced such a criminal prosecution against Jet2.com.

Civil Aviation Authority

In addition to the CAA's criminal powers, the CAA has civil powers under Part 8 of the Enterprise Act 2002. This allows us to seek information from businesses, seek legal undertakings or an Enforcement Order from the Court. We have used these powers to enforce Regulation 261 and obtained undertakings from two operators, we have also obtained three undertakings regarding price transparency. Information relating to these undertakings can be found using the following link:

<https://www.caa.co.uk/default.aspx?catid=2600&pagetype=90&pageid=14691>

We also use informal tools to improve compliance and in many cases we are able to resolve issues at an informal stage.

We are continuing to develop guidance for industry on the application of the extraordinary circumstances exemption. We have recently published Consumer Enforcement Guidance which provides more information about our approach to enforcement. We have provided a link to this guidance below:

http://www.caa.co.uk/docs/2516/ConsumerEnforcementStrategy_Final.pdf

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.