

CAP 1037 - Better information about UK aviation

Summary of consultation responses

CAP 1148



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aviation
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Better information about UK aviation: summary of consultation responses

Introduction

About this document

This document summarises the main themes from the written consultation responses and the views expressed at the workshops held during the consultation phase. We also provide a CAA response setting out our current position and how we intend to proceed.

We begin with comments made about our general approach to this area of work, including the content of our proposed statement of policy, and then address the comments on the information outputs we proposed.

Stakeholders looking for a quick overview will find this in the table in the next section. More detail on each of the points in the summary table is provided in the rest of the document.

The consultation

On the 31st May 2013 we published the statutory consultation on our statement of policy for discharging our information duties under sections 83-93 of the Civil Aviation Act 2012. The consultation was made up of the following elements:

- A series of contextual chapters covering:
 - the importance of information in well-functioning markets;
 - the rationale for regulatory intervention where information provision is inadequate;
 - the current state of information provision in the UK aviation sector;
 - principles for effective information provision, including 'best practice' case studies from other regulated sectors; and
 - a summary of the research we carried out to inform our approach;
- The proposed statement of policy covering:

- the principles that will govern our actions in this area (e.g. identifying and analysing detriment and evaluating benefits/risks of possible actions); and
- our enforcement policy; and
- Five annexes setting out proposed remedies for the following areas where our research had identified detriment resulting from inadequate information:
 - reliability – improving information about flight delays and cancellations and mishandled baggage;
 - fees and charges – making the price of optional products and services more transparent across all distribution channels;
 - passengers with reduced mobility – helping passengers with disabilities or reduced mobility make more informed choices about airports and airlines;
 - carbon – providing more meaningful and accurate information to allow incorporation of information about the carbon impact of flights into buying decisions; and
 - noise – providing straightforward and easily accessible information to those affected by noise from aviation operations.

Stakeholder engagement

We received 38 formal responses to the consultation, which closed on the 30th August 2013. There were also several responses from private individuals. The breakdown of responses was as follows:

- Airlines (inc. trade bodies): 14
- Airport Consultative Committees: 3
- Airports (inc. trade bodies): 4
- Consumer representatives¹: 5
- Environmental groups: 4
- Manufacturers: 1
- UK government departments and agencies: 2

¹ Including groups and individuals representing disabled consumers.

- UK Local Authorities: 1
- Others: 4

In addition to the consultation document, we also held three well-attended workshops, with the first two (in January and March 2013) focused on our general approach and the second (in July 2013) on the five proposed remedies.

We welcome the level of engagement from stakeholders with the consultation. The responses we received from many organisations have been useful in helping us develop a more structured and transparent statement of policy that will guide our work in this area. The consultation has also served its purpose of giving us a better understanding of the feasibility of the remedies we proposed.

For the purpose of this document we will only be responding on common themes that were generated. This does not preclude further engagement with stakeholders on a bilateral or multilateral basis.

Further information

To discuss the content of this document or any other aspect of our work to deliver our information duties, please contact:

- James Tallack, Policy Programmes Team (james.tallack@caa.co.uk)
- Darren Rhodes, Policy Programmes Team (darren.rhodes@caa.co.uk)

Table summary of stakeholder comments, our response and next steps**General approach and statement of policy**

Main stakeholder points raised	CAA's response	Next steps
<p>No informational failures in areas where remedies proposed; market is functioning well – research shows consumers have the information they need</p>	<p>Agree with need to evidence detriment and demonstrate how inadequate information is a factor.</p> <p>Reject view that only spontaneously identified information needs should be considered.</p>	<p>Updated statement of policy now clearer on our rationale for intervention and the process that we will use to identify and analyse detriment and assess whether risks to outcomes are attributable to inadequate information.</p>
<p>Need to conduct a full impact assessment of impacts of proposals and ensure compliance with Better Regulation principles, including Accountability for Regulator Impact (ARI) scheme.</p>	<p>May be disproportionate to carry out full IA of every proposal, especially if costs and risks of unintended consequences are low.</p> <p>Draft statement of policy was clear that stakeholder views would determine degree to which impacts would be assessed.</p> <p>Assessment of benefits and adverse effects was appropriate for the stage of policy development.</p>	<p>Updated statement of policy sets out a clearer, more structured process for assessing the impacts of remedies for identified problems and refers specifically to Accountability for Regulator Impact (ARI) scheme.</p>
<p>Difficulty ensuring compliance by non-UK businesses means information requirements would not be applied in an equitable way.</p>	<p>Prospect of non-compliance is not in itself a reason to decide against providing information if there is a need for information to be provided.</p>	<p>Updated statement of policy clarifies that we will give full consideration to regulatory costs, including ensuring compliance by non-UK businesses, when evaluating the impacts of proposed remedies.</p>

Main stakeholder points raised	CAA's response	Next steps
<p>The original proposals had inadequate detail on the environment.</p> <p>Environmental information is important for consumers and the wider public in a well functioning aviation market.</p> <p>Ensure that currently available environmental information is easily accessible.</p>	<p>Agree that there is a lot of environmental information already available. Our own audit of environmental information will be used to assess the quality and accessibility of information.</p>	<p>We will be taking forward work on an aviation environmental information portal – most likely made available via the CAA website – that will act as a hub for information on aviation's global and local environmental impacts. This will be populated by bringing together in to one place existing information (or clearly signposting 3rd party sources of information), though it will also be a vehicle for disseminating new information where appropriate.</p> <p>We will engage with interested parties throughout the development of the portal to ensure it meets the needs of users.</p>

Reliability

CAA's original proposal	Main stakeholder points raised	CAA's response	Next steps
<p>We consulted on publishing information about four aspects of flight reliability: on-time performance, long delays, cancellations and mishandled baggage. Three options were put forward: a combined star rating for the four aspects of reliability; separate star ratings for each aspect; and continue to publish raw data but with greater coverage.</p>	<p>The majority of responses came from the airline and airport sectors, with only a minority supporting the proposal to publish further reliability information for consumers. Some argued that we had not made the case for providing reliability information: for example, adequate information was already available. The greatest concern was that information might be presented (or reported) too simplistically and hence mislead rather than empower passengers. The airlines were particularly concerned about unfairly distorting competition. The star rating options received little support; there were concerns about subjectivity, oversimplification, perverse incentives and exaggerating quite small differences in performance. Those responding on behalf of consumers shared some of these concerns, saying that context is vital. Benefits mentioned by a minority of respondents included stimulating competition and better performance.</p>	<p>Our proposals flowed from passenger research, and we do not agree that no action is an appropriate response. We consider there was enough support for building on the current collection of punctuality data so as to fill key gaps such as cancellations. We do agree, however, that the requirement of section 83 to provide information that genuinely assists consumers with comparisons presents some challenges. It is important that we have a full understanding of the range of data that could be used to support such a proposal. The consultation raised many points about appropriate definitions and presentation of data, and we intend to engage further with respondents about implementation.</p>	<p>The CAA will engage with industry associations and consumer representatives on options for implementation to ascertain the costs and how to address concerns that what is published should be genuinely informative for consumers. We expect to begin this engagement in the second quarter of 2014. We propose to de-prioritise the baggage element of the reliability proposal while we develop a better understanding of the issues and focus first on on-time performance, long delays and cancellations. We do not intend to pursue the star rating approach as a fixed goal but will continue to look for accessible presentation methods.</p>

Passengers with reduced mobility

CAA's original proposal	Main stakeholder points raised	CAA's response	Next steps
<p>The proposal was that airlines and airports should be required to display information about specified policies and services for passengers with reduced mobility, in comparable format, on their website. In addition the CAA would host a comparison table covering the biggest companies on its own website.</p>	<p>There was general agreement that access to accurate, standardised and easy available information would help disabled passengers and those passengers with reduced mobility to make their travel choices and prepare for the journey; and would also improve pre-notification of assistance needs. A limited number of respondents representing airlines considered that sufficient information was already available. It was suggested that the CAA should set minimum standards rather than expect businesses to use one model. It was also suggested that the not all passengers with reduced mobility would have access to the internet. There was general agreement that a star rating system would not be appropriate due to the diversity of PRM needs. A number of respondents considered a CAA matrix comparing information to be impractical: e.g. the differences between airport sizes would make comparisons on walking distances meaningless.</p>	<p>We are mindful that significant amounts of information are already available on both airline and airport websites. However, our own review of the type of information available online for passengers with reduced mobility, and the way it is presented, suggests that information is far from comprehensive, standardised or easy to access across all airline and airport websites. In addition, we have noted that the pages containing information for passengers with reduced mobility are often "two or more clicks" away from the home page and with some airlines information is among general FAQs. We accept the practical problems identified by respondents in the CAA publishing its own matrix of information provided on individual businesses' websites; and we acknowledge that there is little support for a star rating system. We therefore propose to not proceed with either of these options at present.</p>	<p>The CAA will produce early in 2014 a list of subject areas about which airlines and airports must provide information. It will also set out where information pages for passengers with reduced mobility must be positioned on websites and the accessibility standards for those pages.</p> <p>We will set out the minimum level of information to be made available under each subject area (for example, we will mandate that all airlines provide information on oxygen policies and that this information includes policies on carriage of portable oxygen concentrators, availability of oxygen onboard aircraft, cost of using oxygen provided by airlines etc).</p>

Fees and Charges

CAA's original proposal	Main stakeholder points raised	CAA's response	Next steps
<p>The proposal was for all airlines flying out of the UK and intermediaries selling flights to provide information on the full range of optional services including fees and charges within 2 clicks of their homepage and 1 click from booking screens.</p>	<p>There was general support for making fees and charges clear and transparent to consumers. Many airline responses questioned the justification for the proposal, arguing that there have already been improvements to the way this information is displayed on their websites; that fees and charges are regularly compared in the national media; and there are also tables of airline and airport fees and charges on the CAA's website. A number of respondents considered a standardised table is not the best way to display information as products are not homogeneous and a number of variables can affect the price of services. There is a danger of leading product standardisation, with an adverse affect on consumer choice. There was however concern about the lack of information on airline fees displayed on third party websites and that where it is displayed it can be misleading. A respondent representing the views of consumers considered the proposals did not go far enough and suggested there should be more consistent enforcement of EC 1008/2008, the Air Services Regulation.</p>	<p>We note the general support for transparency which promotes choice. We consider that some valid points were made about priorities and practicalities. We have therefore refined our proposals into a three-track approach as set out in the Next Steps column.</p>	<ol style="list-style-type: none"> 1. We will ensure that third party websites selling or displaying flights (travel agents, price comparison websites and other intermediaries) clearly inform consumers at every relevant point that additional fees for optional services apply. 2. The CAA has already undertaken significant work to ensure airlines are compliant with Article 23 of EC 1008/2008 the Air Services Regulation (ASR). Where we are aware that an airline does not meet this requirement we will use our powers to ensure it is brought into compliance, consistent with CAA's Consumer Enforcement Guidance and prioritisation principles. 3. We will further develop the airline fees tables displayed on the CAA's website, examining the costs of extending coverage and/or making it more user-friendly.

Carbon

CAA's original proposal	Main stakeholder points raised	CAA's response	Next steps
<p>Four options were proposed:</p> <p>Do nothing</p> <p>Provide interpretive guidance for consumers on CO₂ reporting;</p> <p>Develop a standardised methodology for calculating CO₂ emissions and for airlines to present this information direct to consumers</p> <p>Develop a standardised methodology for calculating CO₂ emissions and for the CAA to present the results direct to consumers based on data obtained from industry</p>	<p>There is currently no standardisation of reporting emissions at the flight level</p> <p>Demand from consumers for this information is low</p> <p>Any standardisation needs to be undertaken internationally</p>	<p>We note the consensus view that there is a lack of comparable CO₂ information for the consumer. However, we accept the powerful argument that a profusion of domestic schemes would not tackle the problem of lack of consistency and could lead to less rather than more clarity. Thus, attempting to impose a methodology solely for use by consumers purchasing flights from the UK would be unhelpful.</p>	<p>We do believe there is demand in this area and we are proposing to:</p> <p>Provide interpretive guidance for consumers on CO₂ reporting which will help clarify the difference between different metrics. This was option 2 in the consultation and received support from some stakeholders and no specific objections.</p> <p>Revise our proposal for a common methodology for carbon reporting. This will now be developed as industry guidance, designed to provide the industry with a common framework for reporting of CO₂ emissions to consumers. This will be guidance only and will not mandate airlines to apply the framework. However, in the spirit of partnership working we would seek to work closely with the industry – including on the development of the guidance – to ensure that the guidance is taken up and used.</p> <p>We will use this guidance as the basis for working with the UK Government to explore with international partners such as the European Commission and ICAO whether more can be done to develop and publicise reliable consumer information on carbon impacts of flights.</p> <p>Publish on our planned aviation environmental information portal (see below) existing information on aviation's CO₂ emissions.</p> <p>We will engage with interested parties throughout the development of these measures, with guidance becoming available in the middle of 2014</p>

Noise	CAA's original proposal	Main stakeholder points raised	CAA's response	Next steps
	<p>The CAA proposed three complementary options for improving noise information, consisting of:</p> <ul style="list-style-type: none"> clarifying existing noise information generating better interpretative guidance creating a post-code based noise-mapping tool 	<p>New noise guidance broadly welcomed by industry and environmental stakeholders alike.</p> <p>Concern regarding the CAA's proposal to develop a postcode approach to presenting noise information, particularly regarding the cost and lack of public demand for such a tool.</p>	<p>We welcome the general support for action in this area. In contrast to the responses to our CO₂ proposal, the CAA did not find persuasive the arguments cited in opposition to a post-code noise mapping tool, noting in particular the substantive inconsistencies in the points made about the work already underway in the industry and concerns about the costs of such activity.</p>	<p>We want to engage with interested parties throughout the development of these options to ensure that they meet the needs of all stakeholders. Our approach will be informed by the work already underway within the sector, and we will be looking to work closely with stakeholders to ensure that our approach sits comfortably with the needs of the public and recently announced plans at some UK airports.</p>

Full summary of responses: key comments on our general approach and statement of policy

Stakeholders did not feel we had demonstrated evidence of significant market failure

Comments: Consumer groups were supportive of us providing more information, as long as it is easy to understand, provided at the right time and at a sufficient level of detail to enable informed choices. However, the majority of airlines and some airports did not agree that there were informational failures in the areas where we had proposed remedies. Many felt that the current aviation market was functioning well and that consumers have all the information they need to make an informed decision. A common observation was that our own research found that the information needs spontaneously identified by consumers as essential for choosing a flight are route, schedule and price, and these are all provided by the market. The same stakeholders did not agree that we had made a convincing case that inadequate information is currently causing harm to consumers and/or the public.

CAA response: We agree with the need to demonstrate evidence of detriment. However, we consider that our research demonstrates an unmet demand for information from a substantial proportion of consumers and the general public in the areas we have chosen to focus on. Where the market fails to provide the information that consumers or the public want, market processes will not work as efficiently as they could, which is detrimental to consumers and wider society. For example, competition will suffer if consumers find it difficult to identify the products and services that best meet their needs as this makes it harder for them to shop around, reducing the pressure on businesses to cut prices and improve quality.

We reject the view that we should only consider the information needs that are spontaneously identified by consumers or the public in research and ignore those that are only identified when respondents are prompted. Consumers and/or the public are unlikely to be aware of the full range of information that could potentially be made available to them. We therefore believe it is legitimate to use research to test responses to new ideas and concepts. Indeed, this is one of the primary purposes of market research. Moreover, it is important to note that for each area proposed respondents had the opportunity to state how useful (if at all) they would find the information, and we have focused on areas where there was significant support for a proposition.

Next steps: The updated statement of policy is now clearer on our rationale for intervention and the process that we will use to identify and analyse the

risk of detriment and assess whether those risks are attributable to inadequate information. We will use this analytical model to develop our current set of proposals further.

Stakeholders asked us to be clearer on how the impacts of our proposed remedies will be assessed

Comments: Most airlines and airports were concerned that we had not committed to conducting a full economic assessment of the impacts of our proposed remedies, feeling that this went against principles of good regulation. One UK airline said that the high-level assessment of benefits and adverse effects provided in the proposed statement of policy is not enough to demonstrate that our proposed interventions (rather than improved provision in general terms) would carry benefits that outweigh adverse effects.

A trade body representing airports said that the ability to measure the success of interventions depended on being able to quantify benefits and costs of proposals at a high level of granularity. This point was supported in separate comments made by a major airport. Two trade bodies representing the airline industry pointed out that it was essential that we comply with Better Regulation principles, particularly the Accountability for Regulator Impact (ARI) scheme, and consider not only the full costs of implementing proposed interventions, but also the costs to consumers if there is a risk that their decisions will be distorted.

CAA response: We believe that it may be disproportionate to carry out a full economic impact assessment for every proposal to make information available, particularly if the costs to businesses and the risks of unintended consequences are low. In such cases, carrying out a full impact assessment could unnecessarily consume regulatory resources.

Nonetheless, we believe we were clear in our proposed statement of policy that we would base the form of assessment on stakeholders' views of the likely benefits and adverse effects of our proposals. The ARI scheme, for which guidance was published during the consultation period (and for this reason was not reflected in our proposed statement of policy) essentially formalises this process. As our revised statement of policy makes clear, we will meet our obligations under ARI by incorporating a Business Engagement Assessment into a formal assessment of costs and benefits if any of the factors listed below apply to a proposal:

1. implementing the proposed change results in direct compliance costs to businesses (known as administrative burdens);

2. implementing the proposed change places significant demands on CAA resources;
3. there is significant uncertainty about how the behaviour of consumers and/or the public will be affected by the proposed change.

Regarding the granularity of our assessment of benefits and adverse effects for the proposed remedies, we believe that this was sufficient given the stage of the consultation. It was always our expectation that our proposals would need to be developed further and that the consultation itself would provide further information about the likely benefits and adverse effects.

Next steps: The updated statement of policy sets out a clearer, more structured process for assessing the impacts of remedies for identified problems, including the level and type of engagement that stakeholders can expect from us when we develop information provision proposals and also what we expect from our stakeholders. This should enable stakeholders to hold us to account effectively in the way we discharge our information duties. The statement of policy is also clearer on where we believe benefits and adverse effects can and cannot be quantified (and therefore monetised) and also how we intend to review the effectiveness of our interventions, including what we believe a good outcome would look like. In designing this process we have considered best practice in regulatory impact assessment and consultation.

Stakeholders asked us to explain our decision to intervene in some environmental areas but not others

Comments: A common response to the consultation from environmental stakeholders was that we had not provided an explanation of why we were focusing on specific environmental effects (noise and CO₂) and not considering other environmental effects such as local air quality for information to the general public. These stakeholders felt that there was a demand for this information to be made available. Several of these stakeholders went as far as questioning if we would be meeting the full legislative requirements of section 84 with our proposed remedies – with the package too unbalanced towards providing information to consumers. Examples of information that stakeholders wished us to consider publishing were:

- flight emissions per airport;
- information about how much of a person's personal carbon footprint is taken up by aviation;

- information about how much of the UK's carbon emissions come from aviation;
- guidance for local authorities on the appropriate use/understanding of metrics in planning proposals;
- accessible and up to date information on flight paths;
- concentration levels from local air pollutants;
- falling objects;
- wake vortices;
- mode of transport to airports; and
- guidance on mitigating bird control impacts.

There was also concern expressed that the proposals did not cover sections 1(b) and 1(c) relating to "how human health and safety is, or may be, affected by such effects" and "measures taken, or proposed to be taken, with a view to reducing, controlling, or mitigating the adverse environmental effects of civil aviation in the United Kingdom".

CAA response: We were keen to explore with stakeholders some of our early thinking in environmental information provision, outlined in the Annexes E and F alongside the consultation on the statement of policy. Our initial focus was to concentrate on noise information for the public and CO₂ emissions for consumers given that our independent research had identified these two issues as high profile. Recurring feedback from our stakeholder workshops was that there was a large amount of environmental information already publicly available. This includes the effects on human health and safety; as well as what is being undertaken to mitigate the adverse environmental effects of civil aviation. We only wanted to intervene in areas where we were confident that doing so would add value.

We accept that we should have been clearer on this process and this has been reflected in our revised statement of policy, which describes the process that we will undertake to determine future provision of information. One of the environmental stakeholders questioned why we had not provided evidence of the existing environmental information landscape to highlight what exists and where gaps may be. In light of this helpful suggestion we are undertaking an aviation environmental information audit to provide a sound evidence base of what environmental information exists in relation to aviation.

Next steps: Again, the information we make available will be determined by the approach set out in our statement of policy. We have used feedback from stakeholders to review our proposed statement of policy and are confident that

the revised version sets out a much clearer and more transparent process that will allow stakeholders fully to understand our interpretation of our information duties and how this will guide our actions.

Stakeholders asked us to ensure that currently available environmental information is easily accessible

Comments: A number of environmental stakeholders stated how they felt that much of the environmental information is already publicly available but that it just needs to be made more accessible in terms of its location and a degree of translation from technical to common language. There was demand for the CAA to play a role in bringing this information together. These stakeholders felt that because much of this information is already available there would be little or no cost to industry. Industry stakeholders such as airlines and airports also confirmed that they felt that current information provision is adequate and rather than requesting new information from industry the focus should be on using existing information better – and could see a role for the CAA in signposting the various sources.

CAA response: The CAA agrees that there is a lot of environmental information already available. The consultation has provided evidence of demand for this base level of information to be brought together and made more accessible.

Next steps: We are proposing the creation of an aviation environmental information portal – most likely available via the CAA website – that will act as a hub for information.

We envisage that the portal will be largely populated by bringing together in to one place (or via signposting) existing information, though it will also be a vehicle for disseminating new information where appropriate and flagging up potential gaps where we may then need to use our formal powers to request information to fill the gaps if the benefits outweigh the adverse effects of doing so. The portal will provide information on the range of environmental effects outlined in section 84 of the Act including section 1(b) and 1(c). There will be some CAA costs in setting up and maintaining the portal.

This portal could be constructed and operated in differing ways so we plan to present a fuller proposal with options on how the portal may operate and want to engage with interested parties throughout the development of the portal to ensure that it meets the needs of the users. If you wish to be involved in the development of the portal please contact us at: environment@caa.co.uk

Stakeholders said we should consider the important role guidance can play in the provision of environmental information

Comments: Several responses from across the range of stakeholders suggested how guidance could be provided by the CAA both directly to the consumer of the information and also to industry to help it better present information. Examples include:

- providing interpretive guidance on CO₂ information for consumers;
- best practice guidance to industry on how to communicate noise information to local communities; and
- best practice guidance to industry on how to develop a common framework for reporting of CO₂ emissions to consumers.

The Environment Agency also expressed a desire to work in partnership with us to explore how guidance could be developed for elements of environmental protection that they are responsible for.

CAA response: We welcome the support for developing guidance as an alternative to placing requirements on businesses to provide and/or publish information, as long as this is appropriate and there is clear benefit in doing so. Our process for deciding whether to issue guidance will be undertaken using the principles set out in the statement of policy.

Stakeholders asked us to clarify how compliance by businesses not based in the UK will be achieved

Comments: Most UK-based airlines and some airports were concerned that the challenges of ensuring compliance with UK regulations by businesses not based in the UK would mean information requirements would not be applied in an equitable way. It was claimed by some that this would put UK-based airlines at a competitive disadvantage. One UK airline said that monitoring and enforcing compliance among non-UK airlines would place a significant demand on our resources, potentially increasing the costs of regulation.

CAA response: The prospect of non-compliance by any business is in itself not a reason to decide against providing information. Airlines are, of course, global businesses used to complying with the law in their various countries of operation. The impacts associated with developing, implementing and enforcing our policies, including our ability to enforce regulations against businesses based outside the UK, will be given full consideration in the evaluation of proposals. We will of course always consider interventions that businesses find easy to comply with, subject to them achieving the outcome(s) we desire. This could, for example,

mean making use of intermediary online information channels that businesses would be required to link to, rather than requiring them to provide information themselves.

We may treat businesses different based on their size. Where we believe that compliance could place a disproportionate burden on certain businesses and therefore be detrimental to competition, we may choose to apply a de minimis threshold, below which compliance would be a decision for the individual business. Rather than specifying a de minimis threshold within our general policy on information provision, we believe it is more appropriate to consider the burden on businesses of different sizes in the context of each individual proposal we make.

Next steps: Our revised statement of policy clarifies that we will give full consideration to regulatory costs, including ensuring compliance by non-UK businesses, when evaluating the impacts of proposed remedies.

Full summary of responses: comments on our proposed information outputs

Information about flight reliability

We consulted on publishing information about four aspects of flight reliability: on-time performance, long delays, cancellations and mishandled baggage. Three options were put forward: a combined star rating for the four aspects of reliability; separate star ratings for each aspect; and continue to publish raw data but with greater coverage. Questions were posed about specific issues such as the best location for information and over what time period performance should be measured.

Comments:

General

The majority of responses came from the airline and airport sectors, with only a minority supporting the proposal to publish further reliability information for consumers. Some argued that we had not identified the correct issues: for example, passengers care less about the number of incidents than how quickly the airline resolves flight disruption and lost baggage to the satisfaction of the passenger. Others said that border and security queues are more important because they affect passengers in general whereas only a few experience disruption or mishandled baggage.

Presentation of information (star ratings)

The star rating options received little support; there were concerns about subjectivity, over-simplification, perverse incentives and exaggerating quite small differences in performance. One airline thought a better approach would be a layered star rating as used for cars. Several respondents recommended building on existing data collection in order to minimise costs and remedy gaps: for example, one airline said that consumers would benefit if the CAA's punctuality data was collected from all operators serving the UK, not just a selected group. While some companies said that the CAA should publish reliability information itself, others thought it should be displayed on airline websites. Two respondents said that the CAA should ensure prospective developers use data appropriately.

Delays and cancellations

Some respondents argued that we had not made the case for providing reliability information: for example, adequate information was already available on various websites and there was no reason to suppose that passengers would make use of further information. Benefits cited, by a minority of aviation industry respondents, included stimulating competition and better performance. One commented that while price and route availability are consumers' prime considerations, reliability would become more important if meaningful comparisons could be easily found. Two respondents suggested that information on the causes of delay would be useful in explaining to consumers the variety of factors at play.

The greatest concern was that information might be presented (or reported) too simplistically and hence mislead rather than inform passengers. The airlines were particularly concerned about unfairly distorting competition between, for example, UK and foreign carriers; point-to-point and network carriers; charter and scheduled carriers. Charter carriers providing package holidays can experience longer delays because they rarely cancel flights, and one expressed the fear that performance figures might lead passengers to book other types of holiday lacking ATOL protection.

Airlines also objected to the idea that historical performance could be used as a reliable predictor of future performance, given that some disruption is caused by weather and other factors that are beyond the control of the airline. A trade body suggested that, because many passengers book several months in advance, the recent performance of an airline may not represent its likely performance on the date they travel.

Those responding on behalf of consumers shared some of these concerns, saying that context is vital: passengers must know what constitutes a good or excellent

performance by an operator; and issues about different types of operator and different sizes of airport.

A number of points were made about definitions, for example that flights cancelled well in advance should not be recorded as cancellations; and about the level at which information should be provided, with some (both airline and consumer) favouring route level and others (airline and airport) considering this disproportionately detailed. One company feared it could be detrimental to route development if CAA were to publish punctuality data while a route was being established.

The United States Department of Transportation (DOT) and a trade body representing the principal US airlines described the existing reporting requirements in the USA on the aspects of reliability which the CAA consultation proposed to cover. DOT said it considered the requirement in the US for airlines to communicate performance information to consumers via their websites and update this information every month to be beneficial to consumers and not unduly burdensome for airlines. However, the trade body took the opposite view. It suggested that if we pursued the proposal in spite of industry objections, an advisory committee consisting of industry representatives should be established to develop the data collection and reporting methodology.

Mishandled baggage

The consultation document recognised the difficulty of constructing a comparable metric for mishandled baggage. The main objection expressed in the responses was that mishandled baggage is more likely to affect transfer passengers than those flying point to point. The more complex nature of their operations means airlines that carry large numbers of transfer passengers are likely to compare unfavourably to those who operate mainly or exclusively point to point routes. Passengers flying point to point on a carrier that also offers indirect itineraries could be misled by the figures. Reporting at an airline (i.e. global) level may also be less relevant to UK passengers, particularly for airlines whose operations are not concentrated in the UK. However, it was felt that providing information by route would not address this due to the difficulty of knowing on which leg of a particular itinerary a bag was lost.

Another objection was that the costs of CAA collecting and publishing information could fall partly (due to charges) on low cost airlines who tend not to carry much checked baggage and whose passengers would therefore be less interested in the information. Furthermore, not all airlines currently collect data on mishandled baggage, and the question also arose of whether reporting would be limited to baggage handling in the UK, as our powers would be unlikely to cover the

collection of information from parties involved in baggage handling outside the UK (e.g. overseas airports). One respondent suggested that CAA should work with industry to develop best practice guidance and resolve some existing technology gaps such as indentifying where a passenger's bag is at any particular moment.

CAA response:

Reliability information overall

It was clear from the consultation responses that the majority of aviation industry stakeholders consider the status quo to be adequate. But our proposals flowed from passenger research, and we do not agree that no action is an appropriate response.

We do agree, however, that the requirement of section 83 to provide information that assists consumers with comparisons of services and facilities presents some challenges. A particular issue is how we ensure that information is relevant to the purchase that the consumer is making and that the consumer understands the limitations of the information (e.g. that a 100% score is not a categorical guarantee of no disruption).

We intend to review our initial proposals as follows:

Delayed and cancelled flights

It is self-evident that airlines cannot control the weather and have limited influence over airport congestion and/or air traffic control operations. However, airlines can take actions which enhance the possibility of reliable performance. As such, while all airlines operating a given route may be subject to the same exogenous factors, some may be better equipped than others to deal with the disruption which occurs. We believe that there is still a strong case that differences between airlines should be made apparent to consumers, who purchase flights on the assumption that they are going to get to the destination at the advertised (scheduled) time (i.e. that the outcome they pay for will be realised).

We consider there was enough support for building on the current collection of punctuality data so as to fill key gaps such as cancellations. This would provide a more balanced picture for consumers as some airline types have a greater tendency to cancel their flights rather than delay them.

However, it is important that we have a full understanding of the range of data that could be used to support such a proposal, which could be provided by a number of different parties (and in some cases is already being collected by businesses to fulfil existing European regulatory requirements). The consultation

raised many points about appropriate definitions and presentation of data, and we intend to engage further with respondents about implementation. We do not intend to pursue the star rating approach as a fixed goal but this does not preclude us from continuing to look for accessible presentation methods. However, only with a full understanding of the underlying data will we be able to make meaningful judgements about how information should be presented and how it should be provided to consumers.

Mishandled baggage

We propose to de-prioritise the baggage element of the reliability proposal while we develop a better understanding of airlines' and airports' baggage handling systems and the information they generate, particularly the level of disaggregation that would be needed to make information relevant to UK consumers.

Next steps on information about delays and cancellations: The CAA will engage with industry associations and consumer representatives on options for implementation to ascertain the costs and how to address concerns that what is published should be genuinely informative for consumers. We expect to begin this engagement in the second quarter of 2014.

Information for passengers with a disability or reduced mobility

Comments: We received comments from twenty-three organisations on the information provision proposals for passengers with reduced mobility, including airlines, airport operators, airport consultative committees, trade associations, disability charities and individuals.

There was general agreement that access to accurate, standardised and easy available information would help passengers with reduced mobility make their travel choices; and that such information would help passengers with reduced mobility better prepare for the journey. There was also agreement that it would help to improve pre-notification of assistance needs. Enhanced information would help passengers with reduced mobility better understand and specify clearly their assistance needs during the pre-notification process; and this in turn would help businesses to tailor assistance to the needs of individual passengers.

However, a limited number of respondents representing airlines considered that sufficient information for passengers with reduced mobility was already available on many airline websites and therefore there was no need for the CAA to mandate what information should be made available and how it should be presented. One respondent suggested the CAA should instead focus its efforts on helping passengers with reduced mobility to access information that is already available.

Two respondents representing airlines and one representing consumers also suggested that often the information provided would be specific to that airport or aircraft type and therefore not comparable across different businesses. It was suggested that the CAA should set minimum standards rather than expect businesses to all use the same "model" webpage. It was also suggested that not all passengers with reduced mobility would have access to the internet and therefore information should be made available to the travelling public through other formats (e.g. booklets, information sheets). A number of respondents considered that a CAA matrix comparing information provided by airports and airlines to be impractical: the differences between airports (for example, Heathrow and small regional airports) would often make comparisons meaningless (for example, walking distances.) It was also suggested that the information on the matrix would become out of date and might be inaccurate as airlines and airport operators regularly changed their policies and practices and were always seeking to invest in new equipment and infrastructure.

There was general agreement that a star rating system would not be appropriate due to the difficulty of capturing the diversity of assistance needs and the priorities of individual passengers with reduced mobility.

CAA response: Having reviewed the comments, which in general were supportive of the CAA's objectives, we consider that access to accurate, standardised and easy available information for passengers with a disability or reduced mobility will help inform travel choices; and is a key tool to help improve pre-notification levels.

We are mindful that significant amounts of information are already available on both airline and airport websites. However, our own review of the type of information available online for passengers with reduced mobility, and the way it is presented, suggests that information is far from comprehensive, standardised or easy to access across all airline and airport websites. In addition, we have noted that the pages containing information for passengers with reduced mobility are often difficult to find, being two or more 'clicks' away from the home page and, in the case of some airlines, information is among general FAQs.

We therefore consider that there would be significant benefits to passengers with reduced mobility for the CAA to mandate the type of information that is made available on airline and airport websites and ensure that this information is easily identifiable and accessible from the home page of each website. However, we acknowledge that some information might be specific to a particular business and that in many instances businesses will want to tailor information to their own customers' needs.

We therefore are proposing to mandate minimum standards in terms of information available on airport and airline websites and for the accessibility of this information on the website (in terms of ease of access from the home page). This will help the CAA to ensure that airport and airline websites provide standardised and comparable information on key policies and services whilst leaving the formats of how these are presented to the individual businesses.

We are also keen to ensure that the provision of information to passengers with a disability or reduced mobility is as streamlined as possible and that passengers do not have to consult multiple providers of information in a convoluted way to find out what they need to know. This could be achieved by recognising that, in the first instance, passengers with reduced mobility are customers of airlines, not airports, and therefore that airlines should have primary responsibility for providing information for passengers. This does not mean that airlines should have to provide directly information about services and facilities provided at airports for passengers with reduced mobility, but they should have responsibility for signposting passengers with reduced mobility to this information.

We accept the practical problems identified by respondents in the CAA publishing its own matrix of information provided on individual companies' websites; and we acknowledge that there is little support for a star rating system. We therefore propose to not proceed with either of these options at this time.

However, we consider that passengers with a disability or reduced mobility would value a central resource where they can access information on passenger rights and, should the need arise, information on how to complain about a service or assistance. In addition, this central resource would provide links to other relevant sources of information for passengers with reduced mobility, including the relevant pages on the websites of UK airports. This resource would also be of use to travel agent staff, who arrange assistance on behalf of their customers. We would expect airlines to provide a link to this page on their own website.

Next steps: The CAA will produce a list of subject areas about which airlines and airports must provide information. It will also set out where information pages for passengers with reduced mobility must be positioned on websites and the accessibility standards for those pages.

We will set out the minimum level of information to be made available under each subject area (for example, we will mandate that all airlines provide information on oxygen policies and that this information includes policies on carriage of portable oxygen concentrators, availability of oxygen onboard aircraft, cost of using oxygen provided by airlines etc).

We will also seek, as much as possible, to publicise to the travelling public the availability of this information. The CAA, in co-operation with a number of disability charities and Age UK, is committed to helping to break down potential barriers to air travel by improving the quality and awareness of CAA passenger advice, increasing disabled and elderly people's awareness of the assistance available when travelling by air and helping to increase levels of pre-notification.

Information about fees and charges

Comments: There was general support from all respondents for making fees and charges clear and transparent to consumers in order to assist with making an informed choice.

A limited number of respondents set out that a single table is the best way to ensure consumers can compare fees and charges across airlines/airports. However, there needs to be clear evidence of consumer detriment that this issue is not addressed by existing measures before going ahead with this proposal.

Other responses argued that there have already been improvements to the way information on fees and charges is displayed on airline and airport websites and it is unnecessary to duplicate. It was noted that fees and charges are regularly compared in the national media and there are also tables of airline and airport fees and charges on the CAA's website which some respondents consider sufficient. It was also noted that planned technology solutions will make it easier for all parties to display airline fees and charges in the near future.

A number of respondents considered a standardised table is not the best way to display this information as products are not homogeneous and a number of variables can affect the price of services (seasonal variation, class of travel, loyalty programmes) and not all airlines/airports offer the same optional services. There is a danger that this approach may have an adverse affect on consumer choice and lead to product standardisation.

Some respondents suggested that in order to make the table comparable it would be necessary to display average airfares for each airline, and that some fees may require further explanation.

Some respondents suggested the selection of services set out in the proposals is arbitrary and fees charges for other services may be more relevant. There was some concern over the practicality of achieving the "1 click" solution and a view that businesses should be able to determine the most appropriate place to display this information on their website to ensure it fits with layout and branding.

There was some concern about the lack of information on airline fees displayed on third party websites and that where it is displayed it can be misleading. Some

respondents noted it can be difficult for third parties to access, and therefore display, airline fees, particularly where they sell flights with a wide variety of airlines. Others noted that where this information is not displayed it can appear these fees are hidden and this can be damaging to an airline's brand, and third parties should be required to display this information.

A respondent representing the views of consumers considered the proposals did not go far enough and suggested there should be more consistent enforcement of EC 1008/2008, the Air Services Regulation.

CAA response: The CAA has considered the responses and notes that these were generally supportive of making airline and airport fees and charges clear and transparent to consumers. However, the consultation responses highlighted a number of objections to the CAA's particular proposals and some potential implementation issues.

The CAA has considered the information set out in the responses and our amended approach to airline fees and charges is set out below under "Next Steps".

In relation to the proposal to require airports to display their optional fees and charges, the responses indicated this is already widely complied with. In addition the CAA already publishes a table of airport charges on its website. The CAA's view is that as these charges are often low and easily avoidable and are already clearly disclosed no further action is required. We will continue to monitor airport optional charges and to update the table on our website but do not propose to take any further action.

Next steps: We have developed an amended proposal for airline fees and charges and propose a three-pronged approach.

1. Further develop the airline fees tables displayed on the CAA's website

This will ensure consumers can compare airline fees and charges for optional services quickly and easily. At present the table displays fees for 21 airlines flying out of the UK representing approx 80% of departing passengers. Where appropriate the CAA may add the fees and charges of other airlines to extend the coverage. We shall consider further development of the table to make it more user-friendly: this may require improvements in the CAA's IT capability and there may be an associated cost.

2. Continue to enforce the requirements of Article 23 of EC 1008/2008 the Air Services Regulation (ASR).

The CAA considers that the aims of the information powers proposals in relation to the provision of information on airline fees and charges are best met through enforcement of Article 23 of the ASR. Article 23 sets out requirements in relation to the transparent display of airfares including providing information on airline optional fees and charges clearly and transparently. The CAA has concluded that where bespoke, comprehensive regulations exist it is more appropriate to use these powers to address the concerns set out in the consultation.

The CAA has already undertaken significant work to ensure airlines are compliant with the requirements, and generally airlines now display a table of their fees and charges on their website. The CAA considers that where it is aware that an airline does not meet this requirement it should use its powers to ensure any such airline is brought into compliance with Article 23 of the ASR. CAA will need to ensure any such action is consistent with its Consumer Enforcement Guidance and meets its prioritisation principles.

3. Ensure that third party websites selling or displaying flights (travel agents, price comparison websites and other intermediaries) clearly inform consumers at every relevant point that additional fees for optional services apply.

In most cases intermediary websites do not offer consumers the opportunity to book optional services. Instead, consumers must purchase these directly from the airline once they have completed their booking with an intermediary.

The CAA considers that where consumers book flights through an intermediary website it is crucial that they are made aware that further fees and charges may apply for optional services. Where this information is displayed clearly and transparently consumers will be alert to these fees and will be able to access information on these through the airline's website or the table on the CAA website. The CAA has already embarked on a project to ensure intermediaries comply with price transparency regulations and improve the way price information is displayed on their websites and will ensure this objective is met as part of this project.

Where intermediaries do offer consumers the ability to purchase airline optional services the CAA would expect them to display these services as required by Article 23 of the ASR and will use its enforcement powers to ensure they comply with its requirements.

Information about carbon emissions

Comments: The proposal to develop a standardised methodology for reporting CO₂ emissions to consumers (our preferred Option 3) generated a number of common responses:

There is currently no standardisation of reporting emissions at the flight level

There was agreement between the majority of stakeholders that there is currently little standardisation of how CO₂ emissions are reported to consumers. Some gave examples of existing carbon calculators – such as the ICAO calculator – and many stakeholders were under the misapprehension that the CAA was proposing another carbon calculator under these information duties. Many of the carbon calculators cited were also shown to use different metrics and methodologies for reporting. From the consultation responses two airlines encouraged the use of a standard metric in the form of: gCO₂ per revenue passenger or tonne kilometre (RPK/RTK). Some airline stakeholders also provided confirmation of the importance of including factors such as actual fuel burn and load factors into any methodology.

Demand from consumers for this information is low

Most stakeholders – including environmental stakeholders – felt the demand from consumers was low for information at the flight level. Many felt that with such low demand it would bring into question the ability of this measure to be successful. There was a desire for the CAA to do further consumer research before committing to this proposal.

Some environmental stakeholders also felt that our policy to focus on providing information to consumers was too narrow and that information on CO₂ for the public at for example the airport level should be considered.

Standardisation needs to be undertaken internationally

Many airline stakeholders were concerned at the apparent proliferation of methods for reporting CO₂ emissions. They were concerned that this can only lead to increased administrative burden and further consumer confusion from reporting in differing formats. There was a strong argument voiced that any reporting or standardisation should be done at the international level. Current reporting requirements raised in the consultation are:

- Domestic carbon reporting of transport in to and from France

- Mandatory GHG reporting for UK listed companies (from October 2013)
- Reporting to the EU-ETS

CAA response on information about carbon emissions: The CAA notes that there was wide acknowledgement that current means of displaying CO₂ impacts from individual flights can be confusing. There was also broad consensus that the standardisation of CO₂ emissions reporting would be beneficial – the reason for our proposal to intervene in this area. However, we also note that our preferred proposal to create a standardised methodology for reporting CO₂ emissions directly to consumers has no support from airline stakeholders and the support by other stakeholders was relatively lukewarm. We would also reiterate that this option was not to produce our own carbon calculator; rather to develop a common methodology and approach for reporting CO₂ emissions directly to the consumer.

Many of the airlines provided descriptions of the information that they currently provide for customers on CO₂ performance. This goes some way to confirm that there is some consumer demand for this type of information, otherwise airlines would not provide it. One airline provided us with research information highlighting that their customers wanted information on the efficiency of their flight (although this did note that the purchase decision would obviously be based on other factors in addition to the environmental impacts of the flight).

We received no evidence to counter our position that the way information is currently presented to consumers is still too confusing and inaccurate for consumers to make meaningful comparisons between operators. This is due to differing metrics being used in presenting information; and the use of methodologies using averaged data in calculating the CO₂ performance of each flight. We are not convinced that there would be further benefit of undertaking more research with consumers on this subject and feel the evidence base that we cited does show a latent demand for this information.

We also received evidence from the International Council of Clean Transport² that performance in CO₂ emissions per passenger per flight in the USA varied considerably between airlines and did not directly correlate to fuel prices. This would suggest that fuel prices are not the panacea for reducing CO₂ emissions – a claim cited by many airlines in the consultation – and that this information in differing environmental performance is useful to stimulate the debate around CO₂ emissions from aviation.

2 Quantifying a gap: Fuel Efficiency Performance of US Domestic Airlines (ICCT 2013)

The responses did therefore support our view that comparable and reliable information in this area does not currently exist and would be helpful. The consultation has, however, highlighted to us the problem of attempting to tackle the lack of standardisation at the national level – providing us with clear information about the number of domestic carbon reporting schemes that operate around the globe. We accept the argument that a profusion of domestic schemes would not tackle the problem of lack of consistency and could lead to less rather than more clarity. Thus, attempting to impose a methodology solely for use by consumers purchasing flights from the UK would be unhelpful in tackling a global issue.

However, this difficulty does demonstrate that there is a current issue with information provision of CO₂ and the CAA believes that the new duty can have a useful role to play in CO₂ information provision. We are therefore proposing to develop further our CO₂ proposal in the following form:

- Provide interpretive guidance for consumers on CO₂ reporting which will help clarify the difference between different metrics. This was Option 2 in the consultation and received support from some stakeholders and no specific objections.
- Revise our proposal for a common methodology (Option 3). This will now be developed as industry guidance, designed to provide the industry with a common framework for reporting of CO₂ emissions to consumers. This will be guidance only and will not mandate airlines to apply the framework. However, in the spirit of partnership working we would seek to work closely with the industry – including on the development of the guidance – to ensure that the guidance is taken up and used.
- We will use this guidance as the basis for working with the UK Government to explore with international partners such as the European Commission and ICAO whether more can be done to develop and publicise reliable consumer information on carbon impacts of flights.
- Publish on our planned aviation environmental information portal existing information on aviation's CO₂ emissions.

Next steps: We will develop these four options further following the process of selecting information for publication outlined in our updated statement of policy. We want to engage with interested parties throughout the development of these options to ensure that they meet the needs of all stakeholders. We aim

to have guidance available in the middle of 2014. If you wish to be involved in the development of these options please contact us at: environment@caa.co.uk .

Information about noise

Comments: The proposal to improve the provision of noise information generated a number of common responses:

New noise guidance was broadly welcomed by industry and environmental stakeholders alike

There was consensus of support across the range of stakeholders for the first two options that the CAA was proposing:

- Option 1 – review and refresh any explanatory text that the CAA has on existing noise metrics and what they mean
- Option 2 – assess existing sources of aviation noise information and provide a summary

Stakeholders did in the main agree that existing noise metrics were hard to understand for the less-informed reader. One airport consultative committee went as far as pressing for a new noise metric because the current contour approach is too technical.

However, airport operators did feel that the demand for noise information is often over-stated (by looking at usage of airport websites or information channels) and therefore questioned the demand for this information.

There was concern regarding the CAA's proposal to develop a post code approach to presenting noise information (Option 3)

Option 3 of the consultation proposal was to develop a new portrayal of flights by time of day and location. Similar to the comments on the CO₂ proposal, airline and airport stakeholders challenged the rationale for the CAA to intervene in this area. Many felt that a more detailed justification was required as to why this tool is needed. There was a call from airport stakeholders that there could be more useful roles that CAA could play in information provision such as providing best practice guidance for communicating noise information to local communities.

Although there was some support for developing a new way of portraying flight information, it was broadly rejected by airport stakeholders. The main reasons for this were:

- Similar tools are already in existence or being developed by airports so another tool would cause duplication

- A CAA tool could undermine the approaches being developed locally by airports to explain and portray aviation noise
- The cost of developing and maintaining such a tool are believed to be prohibitive
- To achieve its desired aim for being easy to understand, its simplicity could misrepresent the actual noise impact by not providing the complete picture.

CAA response on information about noise: We welcome the support for our proposals to undertake a review of existing information on aviation noise and updating our explanatory text on noise metrics. Both of these will be developed further under our environmental information portal proposal.

We welcome the general support for action in this area. In contrast to the responses to our CO₂ proposal, the CAA did not find persuasive the arguments cited in opposition to a post-code noise mapping tool, noting in particular the substantive inconsistencies in the points made about the work already underway in the industry and concerns about the costs of such activity. For example, if the costs are prohibitive and the portrayal expected to be complicated, then this does not explain why some airports are developing similar tools, often involving duplicative costs.

Next steps: We will develop further the three options consulted upon. We want to engage with interested parties throughout the development of these options to ensure that they meet the needs of all stakeholders. Our approach will be informed by the work already underway within the sector and we will be looking to work closely with stakeholders to ensure that our approach sits comfortably with the needs of the public and recently announced plans at some UK airports. If you wish to be involved in the development of these options please contact us at: environment@caa.co.uk