

25 February 2015
Reference: F0002217

Dear XXXX

I am writing in respect of your recent request of 30 January 2015, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

Under the Article 16 of Regulation (EC) No 261/2004 of the European Parliament and of the Council "Each Member State shall designate a body responsible for the enforcement of this Regulation as regards flights from airports situated on its territory and flights from a third country to such airports. [...] The Member States shall inform the Commission of the body that has been designated in accordance with this paragraph." Please provide a copy of the notice provided to the Commission designating such body.

Our response:

Having considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), please find attached a copy of the CAA's letter to the Commission.

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:-

Caroline Chalk
Head of External Information Services
Civil Aviation Authority
Aviation House
Gatwick Airport South
Gatwick
RH6 0YR

caroline.chalk@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 FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
www.ico.gov.uk/complaints.aspx

If you wish to request further information from the CAA, please use the form on the CAA website at <http://www.caa.co.uk/application.aspx?catid=286&pagetype=65&appid=24>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'W. Pounder', with a horizontal line underneath.

William Pounder
Information Rights 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.

Mr Peter Faross
Head of Unit
European Commission (DG-TREN)
Rue de Mote, 28
B-1040
Brussels
Belgium

29 March 2005

Dear Mr Faross

Regulation 261/2004

I refer to my earlier correspondence in relation to Regulation 261/2004. I enclose a copy of the legislation appointing the Civil Aviation Authority and the Air Transport Users Council the designated bodies for the United Kingdom for purposes of Article 16(1) and 16(2) of this Regulation.

This legislation has been laid before Parliament today and will come into force on 23 April 2005.

Yours sincerely

G J Elsbury
Head of Airline Licensing & Consumer Issues

cc Mr D Shephard, IASD3, Department for Transport

Statutory Instrument 2005 No. 975

The Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005

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STATUTORY INSTRUMENTS

2005 No. 975

CIVIL AVIATION

The Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005

<i>Made</i>	<i>29th March</i>
<i>Laid before Parliament</i>	<i>1st April</i>
<i>Coming into force</i>	<i>23rd April</i>

The Secretary of State for Transport, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972[1] in relation to measures relating to air transport[2], in exercise of the powers conferred by that section hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005 and shall come into force on 23rd April 2005.

Interpretation

2. In these Regulations -

a reference to an Article is a reference to that Article in Council Regulation (EC) No. 261/2004 of 11th February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights[3]; and

"operating air carrier" means an air transport undertaking with a valid operating licence that performs or intends to perform a flight under a contract with a passenger or on behalf of another person, legal or natural, having a contract with the passenger.

Offences

3. - (1) An operating air carrier who fails to comply with an obligation imposed on it by Article 4 to 6, 10, 11 or 14 shall be guilty of an offence.

(2) A person guilty of an offence under this regulation shall be liable on summary conviction, to a fine not exceeding level 5 on the standard scale.

Due diligence defence

4. - (1) Subject to the following provisions of this regulation, in proceedings against any operating air carrier for an offence under regulation 3 of these Regulations, it shall be a defence for that operating air carrier to show that it took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) An operating air carrier shall not be entitled to rely on the defence provided by paragraph (1) by reason of its reliance on information supplied by another, unless it shows that it was reasonable in all the circumstances for it to have relied on the information, having regard in particular -

(a) to the steps which it took, and those that might reasonably have been taken, for the purpose of verifying the information; and

(b) to whether it had any reason to disbelieve the information.

Enforcement

5. - (1) The Civil Aviation Authority shall be the designated body for the purposes of Article 16(1).

(2) The Air Transport Users Council shall be the designated body for the purposes of Article 16(2).

Signed by the authority of the Secretary of State

Charlotte Atkins

Parliamentary Under Secretary of State Department for Transport

29th March 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the creation of offences for the purposes of enforcing the rights and entitlements set out in Council Regulation (EC) No. 261/2004 which establishes common rules on compensation and assistance to passengers in the event that they are denied boarding onto their flight or that the flight has been cancelled or subjected to lengthy delays.

Regulation 3 provides that anyone failing to offer compensation and or

provide assistance in the circumstances provided for by the Council Regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

It will be a defence for an operating air carrier to demonstrate that it took all reasonable steps and was as careful as possible to ensure compliance with the Council Regulation (regulation 4).

The Regulations also designate the Civil Aviation Authority as the body responsible for the enforcement of the Council Regulation and the Air Transport Users Council as the body to receive complaints regarding any alleged breaches of the Council Regulation (regulation 5).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, 76 Marsham Street, London SW1P 4DR. Alternatively copies can be obtained from the Department for Transport's website which is at www.dft.gov.uk.

Notes:

[1] 1972 c. 68.[back](#)

[2] S.I. 1993/2661.[back](#)

[3] OJ No. L46 of 17th February 2004, p.1. By virtue of Article 18 of the Council Regulation, Council Regulation (EEC) No. 295/91 of 4th February 1991 establishing common rules for a denied boarding compensation system in scheduled air transport, is repealed OJ L36, 8.2.1991, p.5.[back](#)

ISBN 0 11 072823 8

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