

[REDACTED]
[REDACTED]

11 May 2015
Reference: F0002743

Dear [REDACTED]

I am writing in respect of your recent request of 13 April 2016, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

'I would like to know under the freedom of information act how many times since the inception of EU regulation 261/2004 that you have prosecuted an airline for non-compliance under the aforementioned act. Prosecution either means formal recourse through the national courts and/or fines levied against an airline in your capacity as the appointed NEB.'

Our response:

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

The CAA has not taken any prosecutions through the national courts in relation to Regulation (EU) No. 261/2004. We have not levied any fines against an airline as our enforcement powers do not include financial penalties. You can find out more about our enforcement powers in our Consumer Enforcement Guidance www.caa.co.uk/cap1018

We have, however, used the civil powers that we have under Part 8 of the Enterprise Act 2002. These powers allow us to seek legal undertakings from businesses to comply and if this is not successful we can seek an Enforcement Order from the Court. We have obtained 5 undertakings from airlines in relation to Regulation (EU) No. 261/2004, this information is published on our website

<http://www.caa.co.uk/WorkArea/DownloadAsset.aspx?id=4294978703>

We have also taken a pro-active approach to compliance through carrying out a review of compliance in relation to specific aspects of Regulation (EU) No. 261/2004. We published two reports in March 2015 looking at the 15 largest airlines flying from the UK and their compliance with obligations to provide information to passengers and to compensate passengers for disruption due to technical faults on an aircraft.

www.caa.co.uk/cap1227
www.caa.co.uk/cap1275

Civil Aviation Authority

Aviation House Gatwick Airport South Gatwick RH6 0YR. www.caa.co.uk

Telephone: 01293 768512. foi.requests@caa.co.uk

We have also carried out the same type of review with another 15 airlines and expect to publish that shortly. We will be continuing this approach to pro-actively review compliance regarding other aspects of the Regulation and will publish further reports in the future.

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

<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely



Rihanne Stephen
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.