

Prioritisation Principles for the CAA's Consumer Protection, Competition Law and Economic Regulation Work

CAP 1233

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Contents Page

Chapters

1.	Introduction	3
2.	Scope of powers and purpose of the Prioritisation Principles	5
3.	The CAA's Prioritisation Principles	15

CHAPTER 1: INTRODUCTION

About the Civil Aviation Authority

- 1.1 The Civil Aviation Authority (CAA) is the UK's independent specialist aviation regulator. Our activities include:
- ensuring that the aviation industry meets the highest technical and operational safety standards;
 - improving choice and value for consumers;¹ and
 - planning and regulating UK airspace.
- 1.2 We are also the economic regulator for airport operators and air traffic services and provide advice on aviation policy.
- 1.3 We have a range of powers spanning consumer protection, competition law and economic regulation. Our principal economic regulatory functions are set out the Transport Act 2000 (TA00) and the Civil Aviation Act 2012 (CAA12) and instruments made under them. We also have concurrent competition law powers under CAA12, the Enterprise Act 2002 (EA02) and the Competition Act 1998 (CA98).

Overview of this document

- 1.4 This document sets out the Prioritisation Principles we intend to apply when choosing which pieces of work to pursue in the areas of consumer protection, competition law and economic regulation.² The principles do not apply to other work we carry out such as Air Travel Organisers' Licensing (ATOL) or Safety and Airspace regulation.³

¹ The CAA's Regulatory Enforcement Policy defines consumer as "an end-user of an aviation service who does not himself provide an aviation service, such as a passenger, a freight customer, a student pilot or buyer of flying lessons." For more information see: http://www.caa.co.uk/docs/2516/Regulatory_Enforcement_Policy.pdf

² See chapter 2 for more information. We have also consulted on guidance in relation to each of these areas of work. See <http://www.caa.co.uk/default.aspx?catid=2516&pagetype=90>

³ These areas of work have their own respective enforcement guidance. For more information see <http://www.caa.co.uk/default.aspx?catid=2516&pagetype=90>

- 1.5 In developing our Prioritisation Principles, we have considered our statutory duties, the Regulatory Enforcement Policy,⁴ the existing principles set out in our Consumer Enforcement Guidance,⁵ as well as the approaches and best practice of the Competition and Markets Authority (CMA) and other sector regulators. In addition, we have had regard to the Better Regulation Principles to ensure transparent, accountable, proportionate, consistent and targeted decision making.

Definition of user

- 1.6 In this guidance, we refer to the term 'user' to reflect the different definitions under our consumer protection, competition law and economic regulation powers.
- 1.7 We consider that this overarching term more clearly reflects the groups whose interests our various powers are designed to protect. For example, user can mean passengers, freight customers, student pilots, buyers of flying lessons and other consumers and is therefore consistent with the CAA's Regulatory Enforcement Policy. It is also broad enough to cover specific definitions used in the relevant legislation. For further information, see chapter 2.

Structure of this document

- 1.8 The remainder of this document is divided into the following chapters:
- **Chapter 2: Scope of powers and purpose of the Prioritisation Principles** - This chapter sets out the general scope of our consumer protection, competition law and economic regulation powers and explains why we need to apply Prioritisation Principles when choosing pieces of work to pursue in these areas; and
 - **Chapter 3: The CAA's Prioritisation Principles** - This chapter sets out the Prioritisation Principles and explains how we will apply them.

⁴ This sets out our overall approach to enforcement. See http://www.caa.co.uk/docs/2516/Regulatory_Enforcement_Policy.pdf

⁵ See <http://www.caa.co.uk/default.aspx?catid=2516&pagetype=90>

CHAPTER 2: SCOPE OF POWERS AND PURPOSE OF THE PRIORITISATION PRINCIPLES

Scope of powers

- 2.1 Our consumer protection, competition law and economic regulation powers are set out below. Specific statutory duties⁶ and definitions of users are referred to where relevant.
- 2.2 We will also have regard to the Better Regulation Principles as required under specific statutory duties⁷ and as a matter of policy and best practice.

Consumer protection powers⁸

European legislation providing rights to air passengers

- 2.3 We have powers to enforce a range of passenger rights legislation that apply specifically to the aviation sector including rights during flight disruption, access to air travel for passengers with mobility problems and price transparency.

General consumer law under Part 8 of the Enterprise Act 2002

- 2.4 We are a designated enforcer under Part 8 of the EA02 and have powers to act in the collective interest of consumers in respect of a range of consumer law. This includes legislation regarding unfair trading and contract terms.

⁶ For example, under CAA12 and TA00.

⁷ For example, under section 1(4) CAA12.

⁸ Further information on our consumer protection powers can be found in our Consumer Enforcement Guidance. See <http://www.caa.co.uk/default.aspx?catid=2516&pagetype=90> We also have consumer protection powers relating to the sale of flights and air holidays and airline operating licences. The Prioritisation Principles set out in this document do not apply to those powers. See the ATOL and Airline Licensing Enforcement Guidance for further information: <http://www.caa.co.uk/default.aspx?catid=2516>