

Regulating Air Transport: Consultation on Proposals to Update the Regulatory Framework for Aviation

Response Form

When responding to questions, please could you:

- provide reasons for your answers with supporting evidence where available, as this will help us to refine our policy proposals; and
- comment on the analysis of costs and benefits set out in the draft Impact Assessment at Annex D of the consultation.

Information about you

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(if applicable)

Please tick one box from the list below that best describes you /your company or organisation.

- Small to Medium Enterprise (up to 50 employees)
 Large Company
 Representative Organisation
 Trade Union
 Interest Group
 Local Government
 Central Government
 Police
 Member of the public
 Other (please describe):

If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:
BAR UK represents scheduled airlines in the UK (from UK and overseas) and has c90 members.

If you would like your response or personal details to be treated confidentially please explain why:

New objectives for the CAA

<p>Q4.1 Do you think the three proposed general objectives (in respect to the consumer, safety and the environment) taken together cover the public interest in aviation? If you think other interests should be addressed, please set these out and explain why.</p>
<p>CAA has always had a strong safety remit, so no comment is offered in that respect.</p> <p>With regard to the other two, there is a danger that the CAA will be perceived as judge and jury. In particular, the specific remit of representing consumers' interests, not least where an ultimate decision has to be made, CAA will be in a de facto position of being against other involved parties, not least airlines.</p> <p>It is also unclear why CAA should be tasked in this way, when Passenger Focus (if appointed) will be separately representing passengers' interests. Overall, there is a great potential for duplication and conflict of interest.</p> <p>Under the current proposals, an independent appeals process is required but has not been offered.</p>
<p>Q4.2 Are there any economic issues not covered which you think should be reflected in the CAA's new objectives?</p>
<p>In view of the fact that the CAA has an Economic Regulation Group(ERG), it seems inappropriate for the CAA not to have an economic duty.</p> <p>Airlines, as well as airports, are significantly affected by the work and decisions of the ERG. It would be only be right that the CAA have a specific duty in that respect.</p>
<p>Q4.3 We think the CAA as a whole should have a duty to have regard to the principles of Better Regulation. In addition, for all its non-economic regulatory functions, we think CAA should have a duty to have regard to the Regulators' Compliance Code. This is consistent with the Government's Better Regulation agenda and will align the CAA's regulatory practice with that of other regulators. Do you agree with these proposals?</p>
<p>The duty to 'have a regard' is not specific enough. The terminology needs to be revised to ensure a definite adherence to the principles of Better Regulation.</p>
<p>Q4.4 We propose to extend the duties under Part 4 of the Regulatory Enforcement and Sanctions Act 2008 (to review and remove any unnecessary burdens; and to produce an annual statement on this) to the CAA's air traffic services economic regulation functions. Do you agree with this proposal?</p>
<p>Q4.5 Do you agree that no further legislative changes are needed to ensure that the CAA is transparent about how it discharges its proposed new objectives? If you do not agree, please explain what more is needed.</p>
<p>A review period should be instigated, after which it could be seen whether</p>

any further legislative changes were required.

The CAA's consumer role

Q5.1 We are proposing that the main focus for the CAA in pursuing its consumer objective should be on the “end users” of air transport services. This primarily means passengers but also includes freight consumers and the end users of services provided by general aviation; for example, pupils at flight schools. Do you agree with this proposal?

a) The role of the CAA should be to ensure that passengers' interests and rights, as stipulated by legislation, are met.

It is NOT the role of the CAA to regulate market standards.

Airlines and airports are fully cognisant of the role of market forces and will strive to attain and exceed market requirements.

Unlike the AUC, it is not clear how Passenger Focus, with its remit of being an advocate for passenger rights, would be in a position to objectively handle passenger complaints which may, or may not, be valid.

b) A great disservice will be done if airlines are not considered by the CAA as consumers.

They are, by far, the biggest consumers at airports, and often bear the risk of investment at them.

Q5.2 Do you agree that the principles set out in 5.31 are the right ones for the consumer objective and should be reflected in legislation?

No.

Such consumer interests, when they arise, tend not to be unique to the UK. As such, EU legislation tends to be available and implemented.

The CAA should be guided by these Regulations and NOT by additional legal powers of the Secretary of State to provide guidance.

Q5.3 The Government is not proposing to take legal powers to issue guidance to the CAA in respect of its proposed new consumer objective. Do you agree with this? If not, please explain why.

This question seems to be indirect conflict with Q5.2 above.

Consistent with our response to Q5.2, BAR UK agrees.

Q5.4 What are your views on the costs and benefits of the proposed consumer objective as set out in the accompanying Impact Assessment? Do you have further information relevant to the Impact Assessment?

The Impact Assessment (Policy Option 16) provides details that would have been welcomed in Paragraph 5.31 (and subsequently found in 5.46).

This includes the proposal to charge the transitional costs to industry (and ultimately to passengers).

It is NOT the role of CAA, as Regulator, to ensure that there is a strong competitive market; this implies interference in pricing policies of airports and airlines. Instead, it is the role of the market place to influence competition.

Similar remarks apply to the proposed duty to seek improvements for customers.

The combined roles of regulation and advocacy role will provide conflict.

It is also unclear what 'embed consumers into CAA thinking across the organisation' means. If this is an example of transparency, then it fails.

Q5.5 Do you agree that the CAA should be given additional concurrent competition powers over "airport services" which are not provided directly or solely by the airport operator? If not, please explain why.

The comment is offered that any such powers would need to be used wisely.

a) In respect of ground handling services, might not existing EU legislation cater for this activity? If so, then BAR UK would disagree that the CAA should be given additional concurrent competition powers; they would represent an additional, and unnecessary, layer of legislation and process.

b) In a different type of example, an airport may have a single on-airport car-parking provider. Should it be deemed there should be two or more, might not such a decision encourage more drivers into the airport so quite possibly conflicting with the environmental objectives of the airport and indeed the CAA?

Q5.6 Do you agree that funding to support this proposed new consumer objective should come from the airport licensing regime? If no, how should this be funded?

BAR UK does NOT agree that funding should be provided through the airport licensing regime.

This duty has the specific objective of protecting the interests of UK-originating passengers, and sets itself against airlines and airports. It is self-imposed by government, and the costs should therefore be borne by it.

It would be inherently wrong to defray the costs via the airport licensing fee which, in turn, would then be passed on to all passengers, including that great proportion of non-UK residents who will derive no benefit.

They already pay substantial amounts of money to government through the exorbitant levels of Air Passenger Duty; to charge them further is even more objectionable.

Q5.7 Do you agree that Passenger Focus should have a legal duty to consult on its budget? If not, what alternative would you recommend?

It is a major omission of this consultation not to have clarity on the so-called different roles of the CAA and Passenger Focus in respect of consumer issues.

BAR UK has previously made known its objections to Passenger Focus replacing the Air Transport Users' Council. This is primarily because it is not all evident what additional skills, values and expertise that Passenger Focus would bring to the process.

BAR UK objects to any intention to any imposition of costs on the aviation industry, related to Passenger Focus because it would be discriminatory.

Focus is government-funded for all its other work, relating to trains, buses and coaches. The imposition of costs for any aviation work role does not stand scrutiny.

Notwithstanding the valid comments above, no clarity has been provided as to how Passenger Focus would identify costs specific to the aviation industry as opposed to its other transport industry roles.

Similarly, how would aviation-only costs be split between airports?

It is to be hoped that Tier 1 airports are not targeted to carry the burden of costs when such a large proportion of passengers and freight throughput uses a multitude of other UK airports.

The CAA's environment role

We have looked at two main options for giving the CAA an environment objective:

Option 1 (preferred): to give the CAA a general environment objective alongside the proposed safety and consumer objectives, which would require the CAA, where possible and appropriate, to have regard for environmental factors and to seek environmental improvements.

Q7.1 For Option 1 – Do you agree that the CAA's general environment objective should require the CAA, where possible and appropriate, to have regard for environmental factors and seek environmental improvements? If you think there are environmental issues which would not be addressed by this proposal but should be, please set these out and explain why.

BAR UK does not support this option.

Option 2: to give the CAA a discretionary power which would enable, but not require the CAA to have regard to environmental factors.

Q7.2 For Option 2 – Do you think that the CAA should have discretion in relation to its general environment objective and that this should be a second order issue for the CAA below its safety and consumer priorities? If so, please explain why.

BAR UK supports Option 2.

Environmental policy and requirements will normally have been determined by the relevant environmental agencies, and/or DfT, and/or the EU.

It would be right and proper for the CAA to have regard to those policies and requirements, so the need is not seen for the CAA itself to have a further environmental role, as would be mandated in Option 1.

Option 2, however, still provides a discretionary environmental role if perceived as being required.

Also, the charts shown in Appendix E would appear to suggest Option2, not Option1.

Q7.3 We would welcome stakeholders' views and evidence on the relative benefits and costs of the options as set out in the Impact Assessment.

No comment is offered due to the confusing manner in which Impact Assessments were numbered and referred to.

For example, the two Impact assessments (on pp 148/149) were numbered Policy Option 2(b) and Policy Option 2(c), yet the consultation document (pp54-58) referred to Options 1 and 2.

Q7.4 We would also welcome stakeholders' views and evidence on which of these two options would be most appropriate for the CAA and why.

Please refer to Q.7.2

Q7.5 Do you agree that the Government should give the CAA guidance to help it interpret its environment objective? If you do agree, please set out what you think this guidance should cover and why.

The CAA should be free to seek advice if it needs it, but not to receive it as a matter of course.

The danger is that the CAA, as Regulator, is at risk of weakening its independence by reliance on government.

Government's environmental policies should be clear to all, not just the CAA, after which the CAA should then be able to undertake its role.

Q7.6 Do you agree that the Secretary of State should have new powers to direct the CAA in regard to its environment objective? If yes, do you agree that the proposals set out in 7.38 and 7.39 are the right ones? Please explain

It is understood why the Secretary of State may require new powers to direct the CAA. BAR UK does not object to the rationale set out in 7.38.

However, we would object to the Secretary of State having new powers in the context of greenhouse gases and contrails. These matters are already in the remit of other government departments and agencies, as well being in the domain of international agreements and emissions trading schemes. New powers for the Secretary of State on these issues appear superfluous, and would seem to merely add another layer of regulation that is not required.

Q7.7 Do you agree that any new funding requirements arising from a new environment objective should be met through the CAA's existing charging schemes?

No.

The CAA should be seeking to minimise costs, and absorb any additional activities within its current resources. New activity should not automatically equate to additional costs.

Option 2 was supported for non-financial reasons. However, the question asked here now also puts a financial perspective to it as well.

Ensuring that proposed objectives fit with the CAA's existing functions

Q8.1 Do you agree that the principles of the proposed environment objective (Option 1) should apply to the CAA's planning and management of airspace?

BAR UK disagrees with Option 1 so is not able to provide a response to this question.

The framing of the above wording also calls into question how objectively responses preferring Option 2 will be assessed.

Q8.2 Are there any areas where the interests of the "end user" and "intermediary users" would diverge in respect of airspace?

Airspace is another prime example where the air carriers, rather than the passengers on board, are the end users of air space. They are the ones who pay for the privilege of using it, and who bear the costs of so doing.

The air carriers' needs are also those of their passengers.

It is vital, therefore, that the CAA treats air carriers as the 'end users' in its role of regulating airspace. By so doing, the CAA will be providing equal treatment to not only passenger flights but also those that carry freight only.

Q8.3 What would be the costs and benefits of changing the existing regime for the planning and management of airspace to make it clear that the CAA should focus exclusively on the interests of "end users" where these interests diverge from those of "intermediary users"?

The response to 8.2 makes it clear that air carriers are the genuine end users of air space, not passengers.

The CAA would be misguided to change the existing regime.

Q8.4 Do you agree that the principles of the proposed environment objective (Option 1) should apply to the CAA's economic regulation of air traffic services?

BAR UK disagrees with Option 1 so is not able to provide a response to this question.

The framing of the above wording also calls into question how objectively responses preferring Option 2 will be assessed.

Q8.5 Are there any areas where the interests of the "end user" and

“intermediary users” would diverge in respect of the CAA’s economic regulation of air traffic services?

Air traffic services are another prime example where the air carriers, rather than the passengers on board, are the end users. They are the ones who pay for the privilege of using it, and who bear the costs of so doing.

The air carriers needs are also those of their passengers.

It is vital, therefore, that the CAA takes treats air carriers as the ‘end users’ in its role of regulating air traffic services. By so doing, the CA will be providing equal treatment to not only passenger flights but also those that carry freight only.

Q8.6 What would be the costs and benefits of changing the existing regime for the regulation of air traffic services to make it clear that the CAA should focus exclusively on the interests of “end users” where their interests diverged from those of “intermediary users”?

As per the response to 8.2, BAR UK makes it clear that air carriers are the genuine end users of air traffic services, not passengers.

The CAA would be misguided to change the existing regime.

Giving the CAA new information powers

Q9.1 Do these proposals to give the CAA new information gathering and publishing powers achieve the right balance between supporting the public and avoiding unnecessary regulatory intervention? Please give reasons for your answer.

This question is not a simple yes/no one; in fact it raises even more questions and issues. For example:

1. Is it known how many consumers would actually such data?
2. Would the process of collating data, and establishing its veracity, breach the Better Regulation principle of being proportionate?
3. Until a detailed consultation is launched, it is unclear as to what information would be required, at what frequency, the interpretation of it, and its relevance.
4. The terminology used is important. For example, a baggage handling report issued in 2009 referred to millions of 'lost' bags; in fact, they weren't lost at all but had been 'mishandled' by not making it onto connecting flights and being reunited with the passenger soon afterwards.

The CAA would need to be very precise and accurate in requiring and publishing any such data.

The CAA's governance arrangements

Do you agree with our proposals to:

Q10.1 Remove the statutory requirement for HM Treasury to approve the remuneration of CAA Board members?

No response

Q10.2 Amend the legislation so that the Secretary of State will in future only: (1) appoint and determine the remuneration of the Chair, any Deputy Chair and any non-executives and (2) approve the appointment of the Chief Executive? (Subject to certain requirements set out at 10.12, the appointment and remuneration of the Chief Executive and other executives would therefore become the responsibility of the CAA.) Please give reasons for your answers.

No response

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The CAA's funding arrangements

Q11.1 We are proposing to remove the statutory sixty days' delay period and to replace it with a duty to consult charge payers. Do you agree with this proposal? Please give reasons for your answer.

Agreement is provisional on the following two points:

1. the consultation period is a minimum of 12 weeks, and that
2. the decision emanating from such consultation is provided at least 60 days before date of effectiveness.

The CAA's enforcement powers

Q12.1 To what extent does the CAA's current enforcement activity comply with the Macrory principles of Better Regulatory enforcement, as described in the box beneath paragraph 12.4?

No Response

Q12.2 Should the CAA have access to a broad range of civil sanction powers in addition to its existing criminal enforcement powers? What would be the potential costs and benefits of doing this?

No Response

Q12.3 Which areas of civil aviation law would be appropriately enforced using civil sanctions? Are there any areas, such as safety, where civil sanctions would not be appropriate? (We have provided a list at 12.17 of circumstances where we believe that criminal sanctions are more appropriate).

No Response

Q12.4 Which of the various types of sanctions (as set out in the box beneath paragraph 12.6) would be appropriate and effective for the CAA to use?

No Response

Q12.5 Do you agree that the CAA should be given an express power to bring proceedings?

No Response

Q12.6 Should the CAA in future recover the costs of its formal enforcement activity from industry rather than from the taxpayer? If so, how should it recover these costs in an equitable way?

No Response

Travel company failures: financial protection of air passengers

Measure 1: closing perceived loopholes by incorporating “flight plus” products into the ATOL scheme (NB this measure does not apply to airlines)
Q13.1 Should the legislation be clarified so that ‘flight plus’ products fall unequivocally within the scope of the ATOL scheme?
<p>No.</p> <p>Thee clarity objective sought by this reform, and also the public, simply will not be achieved.</p> <p>The questions in this section below illustrate this vividly.</p>
Q13.2 How should we determine which products sold with flights are merely ancillary and should not therefore turn a ‘flight only’ sale into ‘flight plus’ holiday with financial protection? Please give examples.
<p>The range of products that can be bought, in addition to flight only, is enormous. They relate to pre-departure products such as an airport hotel, to restaurant vouchers for use abroad. The power and use of the internet will continue to grow, so ‘future-proofing’ of what ancillary products are covered is probably impossible.</p> <p>As has been said more than once in the consultation, it is not only the public that is confused about ATOL coverage, but also those in the travel industry.</p> <p>There may also be a law of unintended consequences. Travel agents, not least travel management companies, are often required to arrange flights and hotels in one transaction. It is doubtful that the agent or the consumer sees these arrangements as a ‘package’, yet the implication is that all such transactions would be included within this proposal. Unrealistic and possibly unworkable.</p> <p>The inclusion of an indefinite range of ancillary products will simply extend that confusion.</p>
Q13.3 Should there be a cut-off time period after which the purchase of further significant holiday elements would no longer create a ‘flight plus’ or package holiday? If so, how long should this period be? Please explain your answer.
<p>This is yet another example of where confusion and/or deliberate circumvention of any time limits will prevail.</p> <p>It is difficult to conceive how a collection of different travel products, purchased on different dates, or at different places, can seriously be construed as being a package. Any such interpretation would be wholly subjective.</p>

Q13.4 Should holidays which are sold by companies purporting to act not as a tour operator but as an “agent for the consumer” be brought into ATOL protection?

Whilst reference is made as to an example of what ‘an agent for the customer’ might be, a legal definition will be required if any legislation that might be enacted is to successfully apply.

In the normal commercial sense, an ‘agent’ is subject to many different criteria, including a sales agreement; that simply would not be the case in the context of travel sales.

It would not be a surprise if, via the internet, other types of intermediaries became established, who just happened to make sales to UK customers but which were made from extra-UK locations. In such cases, it is difficult to see how ATOL provisions could apply.

Q13.5 What are your views on the costs and benefits of this Measure as set out in the Impact Assessment?

It is certain is that regulatory clarity will NOT be achieved. Therefore, BAR UK contends that this Impact Assessment is inaccurate.

It is unclear as to how the data in the Impact Assessment (Measure1) have been collected and collated. Whilst the CAA believes that just 50-100 medium-large-size firms would require ATOLs, it has not ventured to estimate how many smaller agents would also require one. Yet, and they are in their thousands, it is quite possible that most would, so imposing far more costs on the industry than is suggested by the Impact Assessment.

This response is provided for information, but does not override the objection that BAR UK is making to this proposed measure, as per the response to Q.13.1.

Measure 2: airline sales of “flight-plus” products

Q13.6 Would it be beneficial to consumers to bring package holidays sold by airlines under the ATOL umbrella, rather than providing financial protection through the current alternatives?

No.

This is consistent with our response to Q13.1.

Suggesting that package holidays and ‘flight plus’ are the same thing is absolutely misleading.

Carriers already selling ‘package holidays’ are acknowledged in the consultation document as already supplying the required consumer protection.

The proposals for ‘flight plus’ are opaque, unworkable, and most likely unenforceable as well.

For example, ‘Flight Plus’ would either be subject to ATOL within a yet-to-specified period, but would not be subject to ATOL beyond that period. To the public Flight Plus would be Flight Plus regardless.

Similarly, how can ATOL apply to Flight Only ‘click through’ sales? Two different purchases would be made, with two completely different contracts applying. Imposing an ATOL requirement is most likely unworkable and would seemingly impose tour operator liability on air carriers without them being party to any contract.

Airline direct sales are now more often made via an airline’s website rather than the traditional over the counter purchase at a ticket office. Such websites, whilst accessible in the UK, may well be deemed to be overseas rather than in the UK. The same applies to their payment processing systems. How, in such circumstances, ATOL provisions could apply is difficult to reconcile.

Separately, might not such ATOL provisions have bilateral implications; if so, might not similar requirements be applied to UK carriers abroad?

Q13.7 Do you agree that click-through or affiliate sales (e.g. where consumers are directed from airline websites towards other holiday products) should be brought under ATOL protection?

No, most definitely not.

Any such click-through purchases are most likely to be made under a different contract, and with a different principal.

It is unrealistic, and irrational, to consider that the airline should be providing

ATOL cover for a purchases separately made. By default, the airline could then be considered as a Tour Operator, so imposing liabilities on it for products and sales made completely independent of it.

The overriding wish, expressed within the consultation document, to include such sales overlooks the needs and wishes of customers to do their own thing. Rather than meet customer demands, these proposals would fail them.

Q13.8 With affiliate sales, should there be a cut-off time period after which the purchase of further significant holiday elements would no longer create or be included in, a 'flight plus' or package holiday? (See question 13.3.). If so, how long should this period be? Please explain your answer.

As expressed in our response to Q 13.3, this is yet another example of where confusion and/or deliberate circumvention of any time limits will prevail.

It is difficult to conceive how a collection of different travel products, purchased on different dates, or at different places, can seriously be construed as being a package. Any such interpretation would be wholly subjective.

Q13.9 What are your views on the costs and benefits of this Measure as set out in the Impact Assessment?

It is unclear as to how the data in the Impact Assessment (Measure2) have been collected and collated.

The assumption that just 20 businesses will be impacted is highly questionable (the Evidence Base offers no clarification on this number).

It is questioned because there are well over 100 airlines that operate within and to the UK. It is realistic to assume that a good majority of them would either sell ancillary products, or have click-through facilities to other travel suppliers.

What is certain is that regulatory clarity will NOT be achieved. Therefore, BAR UK maintains that this Impact Assessment is not accurate.

This response is provided for information, but does not override the objection that BAR UK makes to this proposed measure in Q13.6.

Measure 3: 'flight only' sales by 3rd parties

Q13.10 Which of the 3 options should be the basis for regulating 'flight only' sales by 3rd parties (i.e. all parties excluding airlines):

Option A: exclude all 'flight only' sales from the ATOL scheme? Would this option create an unacceptable increase in consumer detriment?

Option B: include all "flight only" sales in the ATOL scheme but exempt all bona fide airline agents from paying the ATOL Protection Contribution (APC)?

Option C: retain the current arrangements?

Please explain your answer, elaborating where possible the pros and cons of the three options.

- Option A is the only one that offers complete clarity, acknowledging the two problems highlighted in Paragraph 13.64.

Option A would then also be consistent with direct airline sales also being excluded from ATOL protection.

- Option B is not as tidy as the consultation document states. A lack of clarity would still exist in respect of either 'Ticket Provider' or 'airline agent' status: a) IATA-appointed agents already enjoy the status of being an airline agent, and b) how are consumers expected to know when an agent is a so-called 'airline agent' and whether such a status is till valid?

It is not known if airlines would consider the costs and implications of providing the consumer protection related to this category. Similarly, it would not be surprising if airline members, and their IATA-appointed agents, objected to this additional regulatory burden.

- Option C – the present confusion would remain, but would probably be no more than that which prevail with Option B.

Q13.11 Option B: do you agree that the 'ticket provider' category is no longer fit for purpose in terms of clarity and consumer protection?

If so, should the 'ticket provider' category be removed entirely (and therefore, all third party sales of flights would require ATOL protection). Or, should it be removed in conjunction with the introduction of an 'airline agent' category, so that sales by 'airline agents' would not be required to make an APC payment but could carry the ATOL brand in return for alternative safeguards provided by the airline and its agents?

The differential in the concept of 'Ticket Provider' and 'Airline Agent' is not that clear, either for the airlines or for consumers.

Both involve the provision of flight-only sales to consumers for which airlines

are at risk in any event. Whilst consumers may well have paid for tickets to the intermediary (ticket provider or agent of the airline), the revenues due to airlines may not reach them for several weeks.

Previously, Deeds of Undertaking had previously been in place, which obliged airlines to provide guarantees should a Ticket Provider fail.

It's understood that most, if not all, such Undertakings were terminated in recent years. It is doubtful that airlines, when experiencing the harshest economic trading conditions in history, could be expected to embrace additional liabilities.

A significant part of the problem is identified in Paragraph 13.69 – the authorised use of the ATOL logo for non-ATOL sales.

ATOL branding, and its seemingly unrestricted but authorised use by ATOL companies, does lend credence to consumers' beliefs that their purchases are ATOL-protected, even when they are not.

Q13.12 How would you define an "airline agent"?

In view of our responses above, BAR UK does not offer a view.

To have been more clear, this consultation should have offered a definition and then asked if there was agreement or not.

This question is open-ended with consultees not having the opportunity to see the range of answers provide, or the chance to debate them.

Q13.13 What are your views on the costs and benefits of this Measure as set out in the Impact Assessment?

For the purpose of impartiality, this consultation should have the above question asked of Options A and B; this question appears to refer to Option B only.

It is not possible to provide any objective view to this Impact Assessment due to the unsubstantiated estimates used.

Measure 4 – a new “ATOL Certificate” for passengers
Q13.14 What are your views on the proposal that all consumers should receive an ATOL Certificate when booking an ATOL-protected flight or holiday?
<p>Any such ATOL Certificate should be deemed as the only measure by which a travel purchase enjoys ATOL protection; in other words ‘no certificate – no protection’.</p> <p>However, is not clear:</p> <ul style="list-style-type: none"> a) who would issue this document, b) who provides the authority to issue c) about its uniqueness – in other words could any renegade trader easily fake one? d) if it will state what is covered and what is not by ATOL protection e) if it clarifies liability issues when travel arrangements are affected f) if it has a reference number unique to the relevant purchase.
Q13.15 What are your views on the costs and benefits of this Measure as set out in the Impact Assessment?
<p>The Impact Assessment statement that 25 million pax per annum are protected seemingly assumes adoption of all the Flight Plus proposals.</p> <p>BAR UK is opposed to those proposals, so therefore queries the numbers contained within this assessment.</p>
Measure 5 – Non-air packages
Q13.16 Would the proposal to allow existing ATOL-licence holders to protect their non-air package holidays through the Air Travel Trust bring benefits to these companies (through simplifying their procedures) without creating undue risk to the Air Travel Trust itself?
No comment offered.
Q13.17 What are the implications of this proposal for those organisations which currently provide financial protection for non-air package holidays sold by ATOL-licence holders?
No comment offered.
Q13.18 What are your views on the costs and benefits of this Measure as set out in the Impact Assessment?
No comment offered.



Proposals for the rationalisation of the Secretary of State's airport byelaw confirmation function

Q14.1 Do you agree with our proposed six-step process outlined for making new airport byelaws? If not, what are your reasons and what alternative approach would you suggest?
No Response
Q14.2 Do you agree that the publication of model byelaws will retain appropriate democratic accountability within the process for making airport byelaws? (See also Q14.5). If not, why, and what alternative approach would you suggest?
No Response
Q14.3 Do you agree with our proposals on resolving challenges (see 14.16)? If not, why, and what alternative approach would you suggest?
No Response
Q14.4 Do you agree that in cases where proposed airport byelaws follow the model airport byelaws, or only vary slightly from them, these byelaws should no longer require the Secretary of State's confirmation? (And that the Secretary of State's involvement should be limited to where he can add the most value, such as, in relation those byelaws that vary significantly from the model airport byelaws). Please explain the reasons for your answer.
No Response

Q14.5 Do you agree that the provision of:

- published model airport byelaws;
- the requirement for airport operator to consult interested parties when developing new byelaws; and
- the ability for the validity of airport byelaws to be challenged in the courts

Would provide sufficient protection to the public against the risk of flawed byelaws? If not, why not and can you suggest how our proposals could be adjusted to provide sufficient protection?

No Response

Medical data sharing

Q15.1 Do you agree in principle that making medical data on air crew available for research (which is anonymised for research purposes) is beneficial, given the safeguards provided by the Data Protection Act 1998? (See paragraphs 15.6-15.7 and the draft Impact Assessment for more information). Please explain the reasons for your answer.

No Response

Please email your response to:

Regulating_air_transport.consultation@dft.gsi.gov.uk

Alternatively, it can be posted to:

**Consultation on Regulating Air Transport
Aviation Regulatory & Consumer Policy
Department for Transport
Zone 1/25
Great Minster House
76 Marsham Street
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