

## CAP 1808

# The Business Impact Target: non-qualifying regulatory provisions between 21 June 2018 and 20 June 2019

### Introduction

The Business Impact Target (BIT) provides an incentive across Government to reduce unnecessary regulatory burdens on business and applies to all CAA measures that regulate the activities of business.

Under the Small Business, Enterprise and Employment Act, the CAA, as a Listed Regulator, is required to publish, for each reporting period, a list of Qualifying Regulatory Provisions (QPRs), and a summary of regulatory provisions that are excluded from the BIT (Non-Qualifying Regulatory Provisions).

Over the reporting period of 20 June 2018 to 20 June 2019, all CAA measures fell below the +/- £5 million de minimis threshold and are included in the NQRP summary below.

### Civil Aviation Authority: Non-Qualifying Regulatory Provisions summary

Business Impact Target reporting period covered: 21 June 2018 – 20 June 2019.

#### 1. **Exclusion A – De minimis threshold – regulatory provisions that have been certified as being below de minimis (measures with an Equivalent Annual Net cost to Business below +/- £5 million)**

##### Summary of measure

- Publication of an updated CAA Official Record Series 3 to correct some minor errors and outline changes to the Air Travel Organiser's Licence (ATOL) Regulations. Changes were introduced to further modernise ATOL and introduced requirements to achieve better practice, e.g. information to consumers, changes in reporting requirements for Small Business ATOL holders and the requirement to secure flights.
- European Union Aviation Safety Agency (EASA) Part 66 Licence – 'Grandfathering'<sup>1</sup> of British Gliding Association (BGA) engineer licence application to allow individuals to obtain a Part 66 licence based in part on their BGA based licence.
- Publication of new forms for airlines applying for Foreign Registered Aircraft Permit - Ad-hoc or Charter Operations, Foreign Registered Aircraft Permit - Aerial Work. Operations, Application to amend an existing Foreign Registered Aircraft Permit, Application for a Foreign Registered Aircraft Permit.

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<sup>1</sup> Granting a licence without the applicant having to go through normal entrant requirements, i.e. applicants have gained sufficient experience and knowledge from previous activity.

## **2. Exclusion B – European Union Regulations, Decisions and Directives – regulatory provisions that implement new or changed obligations from European Union regulations, Decisions and Directives (except in cases of gold-plating)**

### **Summary of measure**

- Implementing EU Directive 2015/2302 on package travel and linked travel arrangements (Came into force 1st July 2018.)
- Implementing the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012, as amended and the Package Travel and Linked Travel Regulations 2018 in the UK to give effect to the (EU) 2015/2302.
- Guidance on Directive 1107/2006 to meet obligations to disabled persons and persons with reduced mobility.
- Implementation of the self-declared Maintenance Programme (SDMP), EASA Part M and the removal of the Light Aircraft Programme (LAMP) to facilitate the implementation of EASA Rule making.
- Implementing EU requirements related to Declared Training Organisations (DTO.)
- Funding Distribution project 8.33 KHz Implementation – project to set up funding delivery mechanism to General Aviation end users.
- Aeronautical Data Quality Implementing Rules (ADQ IR) new European-wide rules relating to data quality were introduced in January 2019. They primarily impacted on data originators, aerodromes and air navigation service providers.
- Conversion of UK aeronautical ground stations to 8.33 kHz voice channel spacing, completed 1 January 2019. EU requirement/harmonisation, EU monies made available to General Aviation pilots to part fund purchase of 8.33 kHz capable radios.
- Implementing requirements of EU Directive 2013/11 on Alternative Dispute Resolution (ADR) for consumer disputes. The CAA continues to carry out oversight of ADR bodies to ensure they comply with the complaint handling standards.
- ATOL Policy and Regulations 2019/01 Guidance for industry on how to complete ATOL Certificates.
- CAP1603: Guidance for airlines on assisting people with hidden disabilities.

## **3. Exclusion C – Regulatory Provisions under the European (Withdrawal) Act 2018 to deal with retained EU law**

### **Summary of measure**

- Implementation of EU regulations (EC2042/2003 & EASA Ops) to deliver oversight of commercial balloon activity. Replaces National regulation CAP 611.

## **4. Exclusion D – Pro-competition**

### **Summary of measure**

- CAP1613: Publication of a report produced by National Air Traffic Services En-Route plc (NERL) in response to the CAA's recommendation to provide increased transparency on London Approach service quality.
- Publication of the reviews by the CAA and an Independent Reviewer Report on NERL's Annual Service and Investment Plan (SIP) on its recent business plan, related airspace and technology programmes.
- CAP 1758: Publication of consultancy reports supporting the CAA's proposals and publication of the CAA's proposed RP3 (Reference Period 3 - 2020-2024) performance plan for NERL.
- Publication of hours of peak congestion at Heathrow and Gatwick for the purposes of the Traffic Distribution Rules 1991 and continued economic regulation of Heathrow.

- Publication of proposed interim arrangements on regulating Heathrow airport until 2021 and publication of Cambridge Economic Policy Association's independent review of Heathrow's initial business plan submission for that period.
- Development of regulatory framework and price review for new runway capacity at Heathrow.
- Continued monitoring and regulation of NATS En-Route (NERL) plc and compliance with its licence. The CAA issued formal notice to NERL for breaching its licence for submitted inadequate accounts.

## **5. Exclusion E – Systemic Financial Risk**

### **Summary of measure**

No activities were carried out under this exclusion.

## **6. Exclusion F – Civil Emergencies**

### **Summary of measure**

No activities were carried out under this exclusion.

## **7. Exclusion G – Fines and Penalties**

### **Summary of measure**

No activities were carried out under this exclusion.

## **8. Exclusion H - Misuse of drugs**

### **Summary of measure**

No activities were carried out under this exclusion.

## **9. Exclusion I – Safety of tenants, residents and occupants in buildings**

### **Summary of measure**

No activities were carried out under this exclusion.

## **10. Exclusion J1 – Regulator case work**

### **Summary of measure**

- Seven ATOL holder failures managed, protecting just under 10,000 consumers.
- Paramotor Pilot Licensing/training review.
- 1760 Air Travel Organisers' Licences (ATOL) granted annually along with decisions on individual applicants wishing to vary the scale of their ATOL business or other aspects of their business.
- Battery Failure Safety Notice (S/N 2018/011.)
- Manage the Operating Licence scheme for UK registered airlines: 4000 business as usual foreign carrier permits, 200 Brexit related foreign carrier permits and 100 route licences issued.
- CAP 1679: Publication of the CAA's annual airport performance report on the accessibility of services provided by the top 30 UK airports to disabled persons and those with reduced mobility.
- Licences issued, renewed, suspended or revoked: 4285 flight crew licences issued, 2611 radio telephony licences issued, 386 engineering licences issued, 60 air traffic controller licences issued, 4633 Standard UAV permissions (Sub 20kg) issued, 28 renewals 28 private pilot licence provisional suspensions, 6 flight examiner/flight instructor provisional

- suspensions, 6 approved training organisations and 4 air operator certificates suspended, 189 aeromedical examiners in total (averaged monthly value); 1 suspended/revoked.
- Permissions, approvals variations and exemptions: 44 approved national qualified entities, 209 helicopter, 73 dangerous goods, 893 fixed-wing, 329 propulsion and production, 110 rotorcraft, 310 aircraft maintenance programmes.
- 562 Certificates of Airworthiness issued and 27 Certificates of Airworthiness revoked.
- 2 prosecutions.
- Audits, inspections and observations: 688 maintenance and 367 continuing airworthiness audits, 38 flying display inspections, 12 display authorisation examiner observations, 9 balloon base audits, 303 flight simulator evaluation inspections.
- 339 Permits to Fly issued.
- 669 aircraft registered and 925 de-registered.
- 733 findings against Air Operator Certificates.
- 35 operational safety cases issued (sub 20 kg) and 14 operational safety case renewals (+20 kg.)

## **11. Exclusion J2 - Education, communications and promotion**

### **Summary of measure**

- Communications to industry following a number of Air Traffic Organiser Licence (ATOL) holder failures.
- 'Pack peace of mind' publicity campaign to raise awareness of ATOL.
- Advice to consumers affected by various UK and non-UK airline insolvencies.
- Advice to teachers and parents on the dangers of booking school trips that are not ATOL protected.
- Advice to passengers affected by airline crew strikes during the summer of 2018 on their entitlement to compensation.
- Issuance of a number of 'ATOL newsletters' to industry.
- Publication of a reminder to businesses to submit their ATOL applications on time to ensure their ATOLs were renewed before their expiry date.
- Press releases on a variety of issues, e.g. on the change of deadline for Private Pilots Licences EASA conversions and on the changes to the application process for Private Pilot Certificate issued on the basis of a foreign pilot licence.
- Publication of advice to ATOL holders on the potential impact of exiting the European Union without a deal on their ATOL sales (particularly sales to EU consumers.)
- Publication of advice to Airline Operating Licence and Air Operator's Certificates (AOC) holders operating in and out of the UK on the action they should take if the UK exited the European Union without a deal.
- Information sent to individual Pilots to advise on their licence transfer application process in preparation for the UK leaving the EU.
- CAP1712: Publication of an open letter to airport operators and their relevant business partners following Competition and Markets Authority(CMA's) airport car parking investigation.
- Drone safe campaigns.
- Publication of an open letter to airlines setting out the CAA's view on airlines' obligations to provide re-routing to passengers under Article 8 of Regulation EU261/2004.

## **12. Exclusion J3 -Policy development by regulators**

### **Summary of measure**

- Consultations:

- Consulting on proposals to change CAA's current guidance for airports on setting and monitoring quality standards under Regulation EC 1107/2006.
  - Publication of a consultation on the future economic regulation of Gatwick Airport.
  - Formal consultation on proposed changes to Visual Meteorological Conditions (VMC) minima in class D airspace.
  - Change proposal for the UK Drone Registration Scheme.
  - Air Traffic Safety Electronic Personnel Training and Competence.
  - Call for evidence consultation: Electronic Conspicuity Solutions.
  - Economic Regulation of Capacity Expansion at Heathrow from January 2020: Interim H7 Price Control Proposals.
  - CAA Consultation on draft proposals for the UK's Performance Plan for the period from January 2020 to December 2024 – Reference Period 3 (RP3.)
  - Independent Planning Cost Review relating to Heathrow Expansion.
  - Flying Display and Special Events 2019: Safety and Administrative requirements and guidance.
  - Non-EASA Fleet Aircraft: Industry consultation on seat harness/belt lives.
  - Review of CAA Policy on the Training, Qualification and Licensing of Flight Information Service Officers.
  - Future economic regulation of Gatwick Airport Ltd: initial consultation.
  - Draft Airspace Modernisation Strategy.
  - CAP 670: Air Traffic Services Safety Requirement consultation, concerns the proposed new publication entitled CAP1724: Display Standards Document
- Project to assess and issue Gyroplane Commercial Pilot Licences with the option of a night rating and a process for Approved Training Organisations to deliver the training
  - Airspace change: a decision-making process for PPR (planned and permanent redistribution of air traffic) proposals.
  - CAP1228: Amendments to guidance to airports on quality standards under Regulation EC 1107/2006 to meet their obligations to disabled persons and persons with reduced mobility.
  - CAP 1324: Amendments to the CAA's policy covering approved Alternative Dispute Resolution (ADR) bodies operating in the consumer aviation sector.
  - CAP 1390: Amendments to the CAA's policy covering CAA-approved ADR bodies reporting complaints data to the CAA.
  - CAP1763: Air Navigation Order 2018 and 2019 Amendments - Guidance for Small Unmanned Aircraft users
  - CAP1788: Granting permission for Small Unmanned Aircraft to operate within Protected Aerodrome Flight Restrictions Zones: Guidance to Protected Aerodrome Operators.

### **13. Exclusion J4 - Changes to organisation and management of the regulator – changes to structure, governance, location, size etc.**

#### **Summary of measure**

- Dedicated training function created within CAA Shared Services Centre
- Reassignment of Passenger Advice and Complaints Team to Customer Contact Team
- Innovation Team established in CAA Strategy and Policy Group.
- The Delegation of responsibility for initial and continued oversight of the Rotorway Executive fleet of amateur built helicopters to the Light Aircraft Association (LAA.)
- Delegation of issue of initial Permits to Fly to the British Microlight Aircraft Association
- Future Safety policy staff that had been located at CAA House, London are all now based at Aviation House, Gatwick.