

[REDACTED]

Date: 14 December 2023
Reference: F0006586

Dear [REDACTED]

Thank you for your request of 21 November 2023, for the release of information held by the Civil Aviation Authority (CAA). For reference your original enquiry was as follows:

All information pertaining to this regulatory decision and in particular pertaining to all consultation that was undertaken with the U.K. ballooning sector. [please see below annex for full request]

Your request has been considered in line with the provisions of the Freedom of Information Act 2000 (FOIA). I can confirm that following a review of held information it has been reasonably determined that the CAA holds no information within scope of the above request.

That is to say that as the regulatory requirement was a European Union Implementing Regulation which enacted by the UK on 4 March 2020 when the UK was still a member of the EU, there was no requirement for the CAA to consult with the UK ballooning sector on its implementation. All consultation with the regulated community leading up to the enactment of that legislation on 4 March 2020 was therefore undertaken by EASA under rulemaking task RMT.0654 'Revision of Balloon Licensing Requirements.

It should be noted that, in the alternative, the CAA would seek to rely on section 12 (appropriate limit) of the FOIA. It is the CAA's position that, as worded ('all'), would require a system wide review to definitively either confirm or deny any potentially held in-scope information. It is, it should be noted, that this is only considered a 'remote possibility' as it is our belief that no information is held.

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:-

FOI.Requests@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 out below. A request for an internal review should be submitted within 40 working days of the date of this letter.

Civil Aviation Authority

Aviation House, Beehive Ring Road, Crawley, West Sussex RH6 0YR. www.caa.co.uk

Email: foi.requests@caa.co.uk

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

Freedom of Information Team
Information Rights Specialist

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.

Explanatory Annex

The CAA GAU has been working with several balloon industry SMEs on Phase 2 of the General Aviation Pilot Licensing Simplification project. This project is now working towards a public / stakeholder consultation. However, the CAA Chairman of the Pilot Licensing Simplification project and the Ballooning subgroup (same person) has stated in draft

consultation documents: "Requiring all [balloon] pilots to hold a BPL under Part-BFCL in order to operate Part-21 balloons (and therefore for all commercial ballooning) was a regulatory decision taken before this licensing project initiated in 2021." The above statement is the most contentious element of U.K. balloon pilot licences, with 89% of UK balloon pilots (who expressed a preference) preferring to retain the UK CPL(B) and UK PPL(BA) balloon pilot licences (as detailed within the UK Air Navigation Order) for the U.K. ballooning sector, post Brexit and post the U.K. leaving EASA. The preference is supported on strong safety and economic grounds. We have been unable to find any record of a public / stakeholder consultation regarding this regulatory decision, which as well as affecting safety and economic matters, introduces "gold plating" in a number of areas and even sees the CAA take back devolved elements of the private balloon licence, without any safety data to support this action. Given the huge implication that this regulatory decision has, or will have, on the U.K. ballooning sector; we are requesting, under a formal FOI request, all information pertaining to this regulatory decision and in particular pertaining to all consultation that was undertaken with the U.K. ballooning sector.