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## Airspeed read

### CAA consultation on consumer environmental information: airlines beware?

On 23 July 2024, the Civil Aviation Authority (CAA) opened a consultation on draft principles for consumer environmental information (the "**Consultation**"). The Consultation builds on a call for evidence from the CAA on the topic in January 2023, the results of which were published in [CAP 3009](#).

An overview of the Consultation can be found [here](#).

#### What is the Consultation about?

The Consultation is primarily intended to seek views from stakeholders in the industry (including airlines and consumers) on the following nine draft principles proposed by the CAA to assist consumers in making informed travel choices:

- 1 Environmental information must be easily **accessible** to all consumers wherever flights within, to or from the UK are advertised or sold.
- 2 Environmental data aimed at aviation consumers must be published by airlines in a **transparent** way (i.e., with clear explanations as to how calculations have been made).
- 3 Publishers of environmental information must be **accountable** for the accuracy of their calculations, including ensuring accurate input data.
- 4 Environmental information should be calculated using **specific** data for each flight, by reference to, e.g., the relevant route, aircraft type, average load factor and seat choice.
- 5 Environmental information must be updated regularly so that it is **timely** and so that it reflects any operational changes.
- 6 Environmental information must be provided in a **consistent** manner wherever flights are advertised or sold, and third parties must align the environmental information they provide with that provided by airlines.
- 7 To ensure consistency and comparability between the different airlines and flight options, a **standardised** approach should be adopted with publishers of environmental information using minimum standards for measuring and reporting environmental data.
- 8 **Comparable** metrics should be used for all environmental information (e.g., kg CO<sub>2</sub> or kg CO<sub>2</sub>e<sup>1</sup> per passenger) published by airlines.
- 9 The publishers of environmental information should be **subject to continuous improvement**, namely that such publishers should consider how publishing the information could promote the continual improvement of aviation sustainability.



Respondents are asked to rank the draft principles in order of importance, with 1 being the most important and 9 being the least important.

<sup>1</sup> Carbon dioxide equivalent.

## How will the draft principles be implemented?

The Consultation is also intended to seek feedback from airlines on four options for implementing the draft principles. These range from a "light touch" voluntary compliance approach, through to a more draconian option of the CAA calculating and publishing the carbon footprint of all scheduled flights for the reference of consumers.

The CAA's preferred approach is the publication of a report highlighting compliance with the proposed principles, effectively 'naming and shaming' airlines. Airlines may recall a similar format being used by the CAA in 2017 in relation to compliance by airlines with various aspects of Regulation (EU) 261/2004 including care and assistance, denied boarding, downgrading and missed connections ([CAP 1500](#)).

## Why is it important?

The intention behind the consultation demonstrates increasing levels of scrutiny by the regulator on the environmental information provided to passengers by airlines. Taken alongside the ongoing investigation by the CPC Network into the potentially misleading advertising practices of 20 European airlines, and the introduction of the Digital Markets, Competition and Consumers Act 2024, it also reflects the determination of the UK Government and regulators, including the CAA and Competition and Markets Authority (CMA), to examine and regulate the manner in which airlines use environmental credentials to appeal to potential customers.

It is therefore important for all airlines that operate flights within, to or from the UK to respond to the consultation and to make their voices heard, particularly in relation to the implementation options mooted by the CAA. It also serves as a timely reminder of the potential dangers posed to airlines by allegations of "greenwashing". See [here](#) for a reminder of our "top tips" for avoiding these potential dangers and [here](#) for an overview of the latest "greenwashing" rules and regulations.

## What happens next?

The consultation remains open until Tuesday, 15 October 2024. The CAA will then consider the responses received before publishing a final set of principles, which will be accompanied by guidance. The CAA has not currently indicated when the final principles can be expected, but we anticipate that this will not be until Q1/Q2 2025 at the earliest.

## Contact us



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