

Comments on proposed regulations published in Canada Gazette, Part I, Volume 158, Number 51: Regulations Amending the Air Passenger Protection Regulations

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Description

The list of "exceptional circumstances" covers a way too wide range of events that offer air carriers the same level of protection as the existing APPR. APPR is a piece of legislation that meant to protect air passengers, NOT air carriers. How could be that hidden manufacturing defect and unforeseeable technical defect/problem be considered "exceptional circumstance"? Air carriers have been using the famous section 11 (outside control but required for safety) to avoid compensations, which led to tens of thousands complaints and backlogs for CTA. One of the most used excuses by air carriers are technical/mechanical issues for safety to avoid compensation. Safety is the top priority for air travel, and maintain aircrafts in top conditions must be air carriers' responsibilities and required in their daily job, and any issues arisen from technical/manufacturing problems should NOT be considered exceptional circumstances. As such, these two should be removed from the list:

- a hidden manufacturing defect in an aircraft that was identified by the manufacturer of the aircraft concerned, or by a competent authority, that could affect flight safety and that requires immediate assessment and possible repair;

- an unforeseeable technical defect in, or other unforeseeable technical problem with, the aircraft if

- (a) the required scheduled maintenance of the aircraft is up to date,

- (b) the defect or problem was discovered after the completion of the most recent required scheduled maintenance,

- (c) the pilot-in-command has determined that the defect or problem affects the airworthiness of the aircraft and makes it unsafe to operate the aircraft until the defect is repaired or the problem is resolved, and

(d) the defect or problem was not caused by an act or omission of the carrier or of any person for whom the carrier is responsible;