

Submitted to the Canadian Transportation Agency (Form submission)

Subject: Consultation on proposed changes to strengthen the Air Passenger Protection Regulations

Name: Simon Dumas

Date: 2023-07-12

The list of exceptions in the APPR should align to the regime already enacted by the EU, under EU regulation 261/2004, to ensure that carriers are held to a strict standard, which has already been demonstrated as workable in the EU and even by Canadian airlines that fly to or from the EU.

For clarity, here is the list of 'exceptional circumstances' that apply in the EU regulation 261/2004 as per https://europa.eu/youreurope/citizens/travel/passenger-rights/air/index_en.htm#ex-circumstances-delayed-1:

Extraordinary circumstances can lead to more than one cancellation or delay at the final destination. Examples of events defined as extraordinary circumstances are air traffic management decisions, political instability, adverse weather conditions and security risks.

Situations which are not considered as extraordinary circumstances include:

most technical problems which come to light during aircraft maintenance or are caused by failure to maintain an aircraft

collision of mobile boarding stairs with an aircraft

strikes by air carrier staff (internal strike action)

Any strike external to an air carrier that affects the operation of the airline may be considered as extraordinary circumstances. However, to be exempted from paying compensation, the airline must prove that: i) there is a link between the extraordinary circumstances and the delay or the cancellation, and ii) the delay or cancellation could not have been avoided even if all reasonable measures had been taken