

Submitted to the Canadian Transportation Agency (Form submission)

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

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In order to improve the current Air Passenger Protection Regulations (APPR), we should be inspired by what is done on the European side in this area with the EC Regulation 261/2004.

EU261 is legislation that was passed in 2004 that covers how airlines must compensate passengers for delays or cancellations for flights within, to, or from the European Union. It also outlines standards of treatment for anyone whose flight plans have been affected through no fault of their own. EU261 is generally regarded as the gold standard for passenger protection regulations, though, so the exclusion conditions are much more reasonable than in other jurisdictions.

1. Identifying the exceptional circumstances

As a general rule of thumb:

- Weather delays, air traffic control delays, delays due to external strikes, delays due to political instability, etc., may be considered extraordinary circumstances, so APPR compensation might not apply
- A mechanical problem, a late inbound aircraft, a crew-related availability delay, strikes by air carrier staff (internal strike action), etc., should not be considered extraordinary circumstances since it's the airline responsibility, so APPR compensation would apply

Airlines must be able to prove that there is a direct link between the extraordinary circumstance and the flight delay or cancellation, in addition to the fact that it took all reasonable measures to avoid the delay or cancellation in the first place.

2. Airlines' responsibilities regarding claims for compensation

Labor disruptions at the airline shouldn't be considered exceptional circumstance since it's within the airline power. Passengers should be able to receive compensation if ever the airline is unable to negotiate properly with the unions and this results in a strike causing delays/cancellations.

4. Assistance

If an airline expects that your flight will be delayed 2 hours beyond the scheduled departure time, you should be entitled to meals and refreshments, in proportion to the waiting time, and 2 free telephone calls, emails or faxes.

Where the new expected departure time is at least the day after the initially scheduled departure time, you should be entitled to hotel accommodation and transport to and from the airport and your accommodation (if you need to stay overnight).

Airlines should offer you and provide assistance free of charge while you wait.

If assistance is not offered and you paid for your own meals and refreshments, the airline should reimburse you, provided the expenses were necessary, reasonable and appropriate.