

Submitted to the Canadian Transportation Agency (Form submission)

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

Name: TAP Air Portugal

Organization: Industry

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Rebook and Refunds

Comment's from TAP Air Portugal: Airlines can only guarantee rebooking on different airlines with interline and code-share agreements due to:

. Airlines can only access flights from other companies on their reservation systems with which they have an interline or code share agreement;

. There is an IATA recommendation that indicates this procedure (Important Changes to Standards Supporting Involuntary Flight Changes in Irregular Operations, Published by IATA, 1 March 2019 v2.0).

. Purchasing tickets from other companies with which there is no interline and code-share agreement has an unreasonable and unbearable cost for the companies affected by the irregularities;

.It is not also feasible to rebook passengers in airlines outside the interline as code-share agreements due to the time that it would take to contact all the passengers affected by the irregularity.

Knock-on Effect

Comment's from TAP Air Portugal: According to the rule already established by the European court of justice in case C-826/19 (WZ v Austrian Airlines AG), the Court specifies in that context that, in order to be released from its obligation to pay compensation to passengers in the event of a long delay in arrival of a flight, the air carrier may rely on an extraordinary circumstance which affected not that delayed flight but an earlier flight operated by that air carrier by means of the same aircraft in the context of the antepenultimate rotation of that aircraft, provided that there is a direct causal link between the occurrence of that circumstance and the long delay of the later flight. Consequently, regulations around the globe should be aligned in order to benefit the passengers.

Government of Canada Travel Advisories

Comment's from TAP Air Portugal: The airlines cannot take by themselves the costs of a major crises at a specific destination (ex. Earthquake, volcano, health situation), hence the obligations imposed to the airlines must be supported by a governmental aid.

In a situation where an airline is able to operate the flight, but the passenger voluntarily chooses to cancel the reservation based on the assumption that he/she doesn't feel comfortable in taking the flight, the airline should not be obliged to proceed with the ticket total refund or to issue a voucher.

Nowadays the airlines offer a great variety of fares, allowing the passenger to choose from the higher ones which enable the total refund, to the lower ones which are non-refundable. Advanced ticket purchases and non-refundable fares benefit both consumers and airlines.

Regarding the possibility to provide the ticket refund through travel vouchers, should this be possible, the vouchers must have expiry date, in order for the passengers to use them in a chronological order, making it possible for both passengers and airlines to keep track on them. No other business is required to retain liabilities on their books into infinity. It would be oblige the company to maintain the liabilities recorded in the balance sheet, without an expectation for the realization date, which could have an impact on financial ratios.

Proposed changes : Carriers to establish a 30-day process for dealing with passenger claims

Comment's from TAP Air Portugal: We propose 60 working days due to the fact that in some periods of a higher number of irregularities 30 days is not enough to deal with all the claim files.

Proposed changes : Exceptional Circumstances:

Proposed Lists - Circumstances that would not be considered exceptional

Flight crew or cabin crew unavailability

Comment's from TAP Air Portugal: If the crew unavailability accours due to an extraordinary circumstance such as illness or death, and in particular at an airport where the airline has no base to promptly replace the crew, this should be considered exceptional.

Any action, or failure to act, by the airline or others with which the airline has a contractual relationship

Comment's from TAP Air Portugal: The European regulation establishes that these situations are considered extraordinary, at least in the flight where the irregularity occured.