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## Consultation on Proposal for Air Travel Complaints Fee

As the world's largest air passenger rights advocate, AirHelp has been championing air passenger rights in Canada since before their introduction in 2019. Unfortunately, despite ours and others many attempts to point out issues with the legislation, Canadian passengers still face considerable issues trying to enforce their rights.

The proposed fee is a part of new measures to clarify, simplify, and strengthen the Canadian Air Passenger Protection regime and provide a new air travel complaints process. However, we do not consider it to be an effective or practical solution to implement considering the current issues Canadian air passengers are facing.

- With the current backlog of complaints escalated to the Canadian Transportation Agency (CTA) reportedly standing at over 78,000, and passengers waiting years to have their complaints reviewed, we understand the urgent need to address the backlog, and ensure the complaints procedure is adequately funded.
- We are happy that the CTA proposal does not implement charges to passengers. An accessible and affordable route to justice is a key part of good air passenger rights and must be protected at all costs. The proposed charges are consumer friendly in so far as the process remains free for passengers.
- The proposed fee does not help the CTA scale enough to address the current amount of customer complaints.
  - CTA estimates it will be able to close just over 22,600 air travel complaints per year with these fees. That means it would take over 3 years just to close the current 78,000 case backlog, not accounting for new cases filed in that time.

- This is simply not a feasible amount of time for passengers to wait to hear the outcome of their complaint.
  - The fee won't incentivize airlines to pay compensation any sooner. As it stands they can defer the cost more than 2 years, even if that means having to pay a fee at the end of the process.
- Setting the fee higher than the average compensation amount, and making it payable by the airlines regardless of the outcome means airlines will be pushed to simply settle all claims under \$790 rather than assess and comply with the regulations.
- While we can see the clear advantage to passengers of such an incentive, we are concerned by the more long-term implications of this complaint fee. Passengers will find inconsistent outcomes to their claims. Small claims will be accepted, while a larger claim, for example, one submitted by multiple passengers on the same flight will be referred to the CTA.
  - Good air passenger rights create a clear and fair relationship between passengers and airlines. This fee breaks that trust: there will be cases where airlines are effectively forced to pay an ineligible claim simply because it costs more to dispute it.
- The proposed fee doesn't do anything to solve the underlying problems Canada's air passengers face. We would prefer to see the CTA focus on solutions that aim to reduce the time passengers spend waiting for compensation:
- Simplify the law and close loopholes so that passengers are guaranteed compensation when due.
  - Place the burden of proof on airlines. Passengers cannot be expected to prove the cause of a disruption.

- Issue public decisions, with reasoning. The current lack of transparency in CTA decisions hinders the creation of “jurisprudence”. Publishing reasonings would develop and clarify the regulation so that airlines, passengers, and consumer organizations are better able to resolve future claims directly without having to resort to the CTA.
- Issue fines to airlines for non-compliance with the regulation, and set fines high enough to function as a real disincentive.

We do not consider that the proposed fee will function effectively to ensure passengers can have their cases heard and does not create a fair system of hearing claims.

Whilst we understand it is outside the remit of this consultation, our opinion is that the issues in Canada’s air passenger rights must be addressed first. The vast backlog of claims exists because the regulation is not clear enough, and until the regulation is clarified, measures such as the Air Travel Complaints fee will at best not address the issue, and at worst could do real damage to the Canadian travel industry.

## **About AirHelp:**

AirHelp is an international company specializing in air passenger rights and helping passengers obtain compensation following a delayed or cancelled flight. Over 11 years we have obtained compensation for 2.5 million passengers and helped millions more via the information on air passenger rights freely available on our website.

We currently support passengers under multiple passenger regulations, including Europe’s Regulation (EC) No. 261/2004, the UK Air Passenger Rights and Air Travel Organisers’ Licensing (Amendment), the Brazilian National Civil Aviation Agency Resolution N° 400, the Canadian Transportation Agency's Air Passenger Protection Regulations, the Turkish Regulation on Air Passenger Rights (SHY PASSENGER), the Montreal Convention, and the recently introduced Passenger Rights Protection Regulation in Saudi Arabia.

AirHelp is a founding member of [APRA](#), the Association of Passenger Rights



Advocates, an organization pushing for better passenger protections in the EU. We are also an active member of the [European Tech Alliance](#), and we are currently [advising policy makers in the USA](#) on air passenger rights.

Since our foundation in 2013 we've helped thousands of Canadian passengers when they fly internationally under regulations like Europe's EC 261. We've also been trying to help passengers under the Canadian laws since their introduction in 2019.

More information about us can be found on our website, [airhelp.com](http://airhelp.com)