

**Comments on Air Passenger Protection & Bill C-49**

A) I take great exception to this section in Bill C-49 Section 86.11 which states:

***“(ii) the minimum standards of treatment of passengers that the carrier is required to meet when the delay, cancellation or denial of boarding is within the carrier’s control, but is **required for safety purposes, including in situations of mechanical malfunctions,**”***

This section was obviously added at the specific request of the CDN Carriers and will absolutely be used to avoid paying any compensation for delays etc. because they will always claim “mechanical malfunctions” caused the delay.

This clause does NOT exist in EU Reg 261 and if implemented in Canada, will give Canadian Carriers an unfair economic advantage over EU carriers, and is clearly anti-competitive.

B) and I also take exception to the statement by Marc Garneau, Transport Minister in Dec 2017 where he publicly stated:

***“for safety reasons, we don’t want them to take off if there is a problem”.***

I simply can’t comprehend why Marc Garneau – a Space Shuttle astronaut - would make such a statement. He should know that licensed professional pilots **will not** take off if they have mechanical/electronic “problems” that results in situations where flight safety is at risk.

CDN Carriers & pilots must adhere to Transport Canada regulations regarding MMEL’s (Master Minimum Equipment Lists) and MEL’s (Minimum Equipment Lists) and flights cannot take off if critical equipment falls below these requirements.

**“within the carrier’s control”**

Mechanical breakdowns/problems are **definitely within a carriers control**. If, carriers have implemented comprehensive Preventative and Predictive Maintenance Programs and Condition Monitoring, then unanticipated mechanical malfunctions will be kept at a level that should not result in flight delays/cancellations. It is obviously to their economic advantage to have these programs in place and keep aircraft flying with high availabilities. All major carriers around the world, including Canadian Carriers, are using these programs.

Analyzing flight data is a key part of Predictive Maintenance Programs. A good example is Rolls Royce’s “IntelligentEngine” program. <https://www.rolls-royce.com/media/our-stories/press-releases/2018/06-02-2018-rr-intelligentengine-driven-by-data.aspx>

**In conclusion, there is no defensible rationale for suggesting that paying passengers for flight delays/cancellations due to “mechanical malfunctions” will result in carriers compromising Transport Canada flight safety requirements. Doing so would put their TSA Air Carrier License at risk of being revoked.**

I strongly object to allowing carriers to avoid compensating passengers for flight delays/cancellation due to “mechanical malfunctions”.



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