SUBMISSION REGARDING THE AMENDMENTS TO PART II OF THE CANADA TRANSPORTATION ACT CONTAINED IN BILL C-49

Presented by
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1. THE AUTHOR

Founded in July 2016, Late Flight Claim Canada is the first Canadian company to assist travellers whose flight has been delayed or cancelled, or who have been denied boarding. Our mandate is to obtain fair compensation for our clients by handling the sometimes lengthy and complicated procedures associated with these inconveniences.

With its expertise in the aviation industry, its business intelligence and the experience of its lawyers specializing in travellers’ rights, the team assumes responsibility for the entire claims process in order to obtain compensation for damage suffered by air passengers.

Late Flight Claim Canada is a multidisciplinary firm duly registered with the Barreau du Québec (file number 24610-1803), that is composed of several professionals governed by the Quebec Professional Code (L.R.Q., c. C-26). Through its lawyers, who are registered members of the Barreau du Québec, the company offers legal services related to air transportation.

As a former employee of one of Canada’s largest air carriers, Jacob Charbonneau, co-founder and CEO of Late Flight Claim Canada, has in-depth knowledge of the workings of the industry and the intricacies of the legal framework. In the space of 12 months, we have served no fewer than 2,000 Canadian passengers, and our success rate is evaluated at 96% for claims submitted. Our efforts are helping to restore Canadians’ confidence in airlines.

The company’s primary mission is to defend the rights of air passengers by:

- Informing consumers of their rights
- Helping affected travelers to obtain compensation easily, quickly, and free of risk.

Jacob Charbonneau, AdmA, MBA.

Co-founder of Flight Claim Canada, and CEO since 2016, Jacob Charbonneau was formerly responsible for performance and quality optimization for the largest Canadian airline specializing in holiday travel. He holds an executive Master’s degree in Business Administration from the Université de Sherbrooke. He is also a member of the Quebec Ordre des administrateurs agrées.

Jean-Denis Pelletier, Eng/P.Eng

Mr. Pelletier holds a Bachelor’s degree in Electrical Engineering from the Université de Sherbrooke and a Master’s in Transportation Engineering from the Université de Montréal’s École Polytechnique. Between 1983 and 1998, he held a number of senior positions with the Commission de transport de Montréal and the Société de transport de la Communauté urbaine de Montréal, including project director and chief of auxiliary and litigation services. From 1998 to 2005, Mr. Pelletier worked in the field of transportation consulting. From 2005 to 2008, he served as commissioner and administrative judge at the Quebec Commission des Transports. Between 2008 and 2013, he was a commissioner and administrative judge for the Canadian Transportation Agency.
2. THE CURRENT SITUATION FOR CANADIAN PASSENGERS

There have been many discussions, criticisms and complaints regarding air transportation in recent months. A number of events made headlines, notably:

- Overbooking, particularly on the part of United Airlines
- Flight cancellations and delays
- Failure to care for passengers
- Long waits on the tarmac
- Questionable business practices
- Lack of information about passengers’ rights, and pressure from airlines to withdraw advertising intended to inform passengers of their rights.

All of this is occurring at a time when airlines are raking in record profits, suggesting that short-term profits and share prices count for far more than client services. Passengers are treated like cargo. The lack of regulations leaves airlines with broad discretion in how they treat their clients. Air carriers suffer few to no consequences from their lack of service to passengers, which leads to general resentment and a loss of passenger confidence in the system.

Traveller survey

In the context of this submission, we first of all undertook a survey of our clients who had experienced problems with flights in recent years. There were more than 333 respondents. The following are the highlights from that survey (the entire survey can be found at Appendix 6).

First, we were surprised to learn that before they heard of us, more than 35% of our clients were unaware that they might be entitled to compensation. Almost all passengers (99.70%) feel that Canada should adopt regulations guaranteeing financial compensation for passengers whose flight is delayed or cancelled.

Statistics on Canadian flights

In the context of this submission, we also analyzed flight delays and cancellations in Canada, as well as trends in recent years. The following are the highlights from that study (the complete study can be found at Appendix 7).

Delays:

- The percentage of delayed flights is increasing annually. Between 12% (2014) and 15% (2016) of flights are affected by delays in one form or another. This is true for all time slots.
- Overall, Canadian carriers have fewer percentage delays than non-Canadian carriers. However, the annual percentage is trending upwards for Canadian carriers, and downwards for non-Canadian carriers.

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1 L’expulsion muscle d’un passager d’United Airlines soulève l’indignation; Nous sommes du betail!
2 Air Canada 285 passagers bloqués 2 jours au Mexique remboursés, mais mécontents.
3 Air Canada laisse un adolescent seul toute la nuit à l’aéroport.
4 Des passagers coincés dans un avion d’Air Transat pendant plus de cinq heures.
5 The Mexican game: How Air Transat misled passengers and aviation officials.
6 Un service d’indemnisation des voyageurs forcé de retirer ses publicités.
7 Air Canada profit rises 61% to record $300M; Air Canada, WestJet shares soar on boom in air travel; Transat shares soar on revised summer outlook.
Cancellations:

- Overall, Canadian carriers have fewer percentage cancellations than non-Canadian carriers. However, that percentage increased by 40% between 2014 and 2016 for Canadian carriers, and decreased by 50% for non-Canadian carriers.

- This means that cancellations have increased for Canadian flights, rising from 1.2% of flights in 2014 to 1.4% in 2016.

- By way of comparison, flights that are subject to European regulations experience 0.4% cancellations, which is four times fewer.

We clearly need a law and regulations that will set a minimum level of quality of passenger protection, thus bringing a significant citizen dimension to the liberalization of the aviation market. That means standardized Canadian protection for all users, incorporated into a charter of passenger rights.

We were pleased to hear that your department and the Canadian Transportation Agency were launching consultations on the future of passenger rights with a view to passing legislation in Parliament to modernize and improve air transportation rules.

Many of our clients are left to their own devices and don’t know who they can turn to for help. They are grateful that there is now a company that can help them navigate their way through the system and obtain compensation. Some of our clients had already attempted the direct approach with the airline, and were turned down. While the Canadian Transportation Agency does have a mediation role, many of our clients prefer to use our services, saving time and benefitting from our expertise to obtain a turnkey solution.

Although we are enthusiastic about the arrival of this new law and its regulations, we do have some questions with regard to their scope. We will therefore attempt to focus on practicalities in this submission by highlighting best international practices, as well as trends, Canadian statistics, suggestions, and feedback from the clients we surveyed.

The new law and regulations resulting from Bill C-49 should include clear and unequivocal provisions that will reduce differences in interpretation resulting from the existence of gray areas. This new law will make it easier for passengers to assert their individual rights, and will help restore traveller confidence.

The proposed amendments also take into account the financial impact on the airline industry and therefore anticipate measures to limit costs.

**Current remedies for Canadian passengers**

Canadian passengers can find some protection in the existing legal framework. However, we will show that this protection is incomplete and often ineffectual in the face of the actual problems experienced by some passengers in their dealings with airlines.

**Montreal Convention**

The Montreal Convention has been a constituent part of the *Carriage by Air Act* since it came into effect in 2004. This Convention provides for some passenger rights, notably compensation for damage caused by loss of luggage or flight delays or cancellations. However, it is important to note that the Montreal Convention does not provide any compensation for inconveniences suffered by passengers as a result of flight delays or cancellations.
**Airline tariff rules**
In 2012, the Canadian Transportation Agency rendered five decisions concerning the provisions of the international and domestic tariff rules of certain carriers in respect of overbookings and flight cancellations.

These 2012 decisions had a positive impact on passenger rights in Canada in that passengers now have more rights and remedies against air carriers. On the other hand, these decisions do not apply to all carriers, and not all passengers benefit from the same rights and remedies given that carriers are free to establish their own tariff provisions, as long as they respect these decisions. As for carriers that are subject to these decisions, passengers may now choose between a refund or a new reservation when their flight has been late, overbooked or cancelled. However, it must be noted that passengers who are victims of delays, cancellations or overbookings must bring their actions before a court of general jurisdiction (often small claims) or negotiate directly with the carrier.

**Regulation (EC) 261/2004**
Canadian passengers also have some protection under European Regulation (EC) 261/2004 when travelling with a carrier that holds an operating license issued by a Member State, in accordance with the provisions of Regulation (EEC) No 2404/92 of 23 July 1992 on licensing of air carriers.

This regulation covers delays, cancellations and overbookings by ensuring compensation and minimum rights for passengers who are victims of these inconveniences. It enables passengers to submit their claims directly to airlines, which are required to respond. If an airline refuses or fails to respond to a claim, the European regulation provides for “appeals” to bodies created for that purpose in each Member State.

We believe that it should be made clear that the Canada Transportation Act (CTA) does not affect passengers’ right to seek redress from courts of general jurisdiction for damages suffered, and that its regulations apply as a complement to the Montreal Convention.

The Montreal Convention does provide for some compensation for passengers as a result of delays and cancellations, but the compensation only covers damages resulting from these delays and cancellations. For example, passengers who miss a few days of work at their expense following the cancellation of a return flight can apply to the courts of general jurisdiction for compensation for damages under the Montreal Convention. However, they will not receive compensation from the airline simply because the return flight was cancelled. We believe that in addition to the abovementioned option, passengers should be able to use the CTA and its regulations to file claims directly with the airline responsible for the flight cancellation.

### 3. GENERAL OVERVIEW

#### 3.1 Brief comments on the amendments to Bill C-49

We will begin by commenting on some of the clauses of Bill C-49 amending Part II of the CTA.

**Clause 17 of Bill C-49 amending sections 67.1 and 67.2**

We feel that the current clause raises some questions.
First of all, nowhere in the CTA is the term “person affected” defined. Furthermore, this clause refers to a “holder of a domestic license,” whereas the CTA also uses the term “carrier.”

Along those same lines, the new subsection 86.11(1) speaks of regulating “flights” to and from, as well as within Canada, and connecting flights. The scope of the Act’s application then becomes somewhat ambiguous because the new section 67.3 refers to a complaint against the holder of a domestic license. As such, would an airline that is not the holder of a domestic license within the meaning of the CTA, but that operates flights to Canada, be subject to the new regulations?

We would also add that subsection 86.11(a) refers to the “carrier’s” obligation, while section 67.3 speaks of the passenger’s right to make a complaint against the “holder of a domestic license”.

Furthermore, we find the new section 67.3 to be vague. Are we to understand that the right to file claims against holders of domestic licenses belongs exclusively to passengers?

We do not feel such an interpretation is appropriate. In fact, making passengers’ right to compensation conditional on personally filing the complaint would amount to a breach of their right to adequate representation. Worse still, this would create unnecessary barriers to the realization of their rights and remedies.

The majority of passengers know little to nothing about their rights vis-à-vis airlines. Others are uncomfortable confronting airlines on their own. Moreover, since 2016 more than 2,000 people have filed a claim against airlines through Late Flight Claim Canada. Most passengers feel that filing a complaint without the help of a third party would be a challenging and difficult undertaking.

Furthermore, the *Air Transportation Regulations* specifically stipulate that a person can file a complaint in respect of the terms and conditions of carriage provided for in those regulations in person or through a third party.

We therefore recommend creating a complaint procedure that allows passengers to claim compensation personally or through a third party.

**Subparagraph 18(2)(iii) of Bill C-49 amending subparagraph 86(1)(h)(iii)**

We note that there appears to be an obligation for the licensee or carrier to pay compensation directly to the affected person. This clause also seems to be reiterating the requirement for the passenger to personally file the claim.

Is this a condition of compensation? Are we to understand that the compensation could not be paid to a third party who makes the claim on the passenger’s behalf? This would violate the constitutional right to be represented by counsel.

In our view, the regulations that will be adopted under the CTA should clarify the conditions for filing a claim and the obligation for the airline to compensate.

We strongly recommend adopting a simple procedure that is accessible to everyone and does not prevent passengers from using the services of a third party to exercise their rights and remedies.

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8 *Air Transportation Regulations*, SOR/88-58, section 156.
Clause 19 of the bill regarding the new section 86.11

We feel that the scope of the CTA should be clearly defined in paragraph 1 of subsection 86.11(1).

Are we to understand that the Agency will adopt regulations to govern all “flights” to, from or within Canada, as well as connecting flights, without regard to:

1- where the ticket was purchased;
2- the origin of the passenger;
3- the origin of the carrier?

As already mentioned, section 67.3 of the CTA refers to complaints against the holder of a domestic license related to any term or condition of carriage under subsection 86.11(1). We still have doubts with regard to the scope of the CTA and its regulations. Indeed, section 67.3 refers to the obligations of the holder of a license, paragraphs 86.11(1)(a) and (b) refer to the carrier’s obligations, and subsection 86.11(1) refers to regulating “flights” that go through Canada.

We believe that the CTA and its regulations should have a broad scope of application, while respecting the international conventions and agreements to which Canada is a signatory.

With regard to paragraph (1)(a), we strongly agree with regulating carriers’ obligation to make readily available to passengers the terms and conditions of carriage and information regarding any recourse available against the carrier. Passengers should be fully informed of their rights in the event of denied boarding, long flight delay or flight cancellation so they can effectively exercise those rights.

Some questions remain, however. How will the obligation to make information available be applied in practice? Where should the information be posted?

For best practices, we suggest adopting a clear rule with regard to posting the information. In our view, this information should be posted where it is clearly visible to passengers at airport check-in kiosks. However, given the increasing number of virtual check-in kiosks, fewer passengers are going to airline check-in kiosks in person, and therefore risk not receiving the necessary information. Consequently, we suggest providing an obligation for airlines that deny boarding or cancel or delay a flight to give each affected passenger written notice of the reason for the denial of boarding, cancellation or delay. Carriers should also make an effort to provide that information to passengers who reach their final destination with a delay of three hours or more. The Agency could adopt a model information sheet that airlines would be required to use.

We are somewhat puzzled by the lack of willingness on the part of carriers and airports to post information regarding travellers’ rights and potential compensation. Almost every airport has refused to allow our company to advertise its services. Our advertising informs passengers about potential compensation. The only airport that did agree to our advertising subsequently removed it after only four days of broadcasting, as a result of pressure from the airlines (see Appendix 4). We therefore suggest more public monitoring of airport management.

As regards subparagraph (1)(b)(i), we are of the opinion that the European legislation to this effect should be followed, in particular Regulation 261/2004, which we append to this submission (Appendix 1). Article 7 of the European regulation sets the minimum compensation in the event of cancellation, denied boarding or long delay. Specifically, the article fixes the compensation at 250 euros for all flights of 1,500 kilometres or less, 400 euros for all intra-Community flights of more than 1,500 kilometres and for all flights between 1,500 and 3,500 kilometres, and 600 euros for all flights not falling under either of the above categories.
If Canada adopted a regulation similar to that in force in Europe providing for predetermined compensation for all delays of two hours or more for domestic flights and three hours for international flights, said compensation would apply to 0.61% of flights (based on the average of the last three years). This represents an average of 13,353 flights per year (see Appendix 7).

Regarding subparagraph (1)(b)(iii), we are of the opinion that the exemption from liability should be clearly defined, and that the European legislation to that effect should be followed, specifically the amendments made to European Commission Regulation 261/2004 dated 10 June 2016, which we have appended to this submission (Appendix 2). We refer you to section 3.2 of this submission.

With respect to paragraph (1)(f), we are of the view that there should be regulations setting the minimum compensation in the event of a delay of more than three hours on the tarmac, as well as minimum standards for passenger treatment. We suggest that these regulations be modelled after the US regulations dealing with this problem (Appendix 5). These include notably an obligation for the airline to provide food and drink after two hours of waiting and to allow passengers to deplane, without prejudice to their right to compensation, after three hours of waiting. We suggest that for all delays on the tarmac exceeding three hours, the minimum compensation to be paid to passengers be equivalent to that for a cancelled flight. Carriers should also be required to allow passengers to deplane after 90 minutes, in accordance with the carriers’ tariff conditions, regardless of whether or not there are extraordinary circumstances.

3.2 Suggestions: European Regulation (EC) 261/2004 regarding compensation to passengers in the event of denied boarding and cancellation or delay of flights

In our opinion, the European Regulation regarding compensation for passengers in the event of denied boarding or flight cancellation or long delay is an excellent model for Canadian law, and should be the inspiration for the drafters of the regulations under the Canada Transportation Act.

We suggest considering a delay to be long after two hours for domestic flights and three hours for international flights.

It is important to strengthen passengers’ rights and ensure that air carriers can operate under equivalent conditions in a liberalized market. Indeed, in an era of globalization, it is essential to follow the global trend. And it is all the more important to examine these provisions so as to ensure that in terms of rights and legislation, passengers and airlines can expect a similar legal framework regardless of the country in which they find themselves.

Indeed, that was one of the objectives of the European Union when it harmonized its legislation on air transportation rights. On that subject, we refer you to the Recitals of Regulation 261/2004.

Specifically, we believe that Canada should follow certain principles, which we will briefly set out:

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a. Denied boarding

Address denied boarding resulting from overbooking, as well as operational and other reasons.

The European legislation provides the same type of compensation for overbookings as for flight cancellations or long delays. It would also be appropriate to follow the lead of the European legislation in establishing a separate procedure when an airline has overbooked.

This procedure stipulates that when an air carrier can reasonably expect to deny boarding on a flight, it should first call for volunteers to surrender their reservations in exchange for benefits under conditions to be agreed between the passengers concerned and the carrier. In addition to these benefits, the volunteers must also be assisted in accordance with article 8 of Regulation 261/2004. If an insufficient number of volunteers come forward to allow the remaining passengers with reservations to board the flight, the air carrier may then deny boarding to passengers against their will. It must, however, immediately compensate them in accordance with article 7, and assist them in accordance with articles 8 and 9 of the same regulation.

We propose that a similar procedure be established by regulating the minimum compensation that the airline must pay in each case, as well as the assistance to which denied passengers are entitled. The minimum compensation should be equivalent to that provided to passengers whose flight has been cancelled.

b. Right to be cared for in the event of denied boarding, cancellation or delay

Passengers who are denied boarding, or whose flights are cancelled or delayed, are offered a choice between reimbursement within seven days, as per the established procedure, of the full cost of the ticket at the price at which it was bought, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to their original travel plan, together with, when relevant, a return flight to the first point of departure, at the earliest opportunity.

In addition to immediate assistance, passengers also have a right to care. According to article 9 of the Regulation, passengers are to be offered free of charge refreshments, hotel accommodation where a stay of one or more nights becomes necessary, and transport between the airport and the place of accommodation.

Passengers are also offered free of charge two telephone calls, telex or fax messages or e-mails.

We suggest that the air carrier be required to care for passengers even when the flight cancellation or delay is a result of extraordinary circumstances beyond its control.

c. The concept of extraordinary circumstances

The European regulation allows an air carrier to be exempted from the obligation to pay compensation if it can prove that the cancellation is caused by extraordinary circumstances that could not have been avoided even if all reasonable measures had been taken.

Article 5, section 3 of Regulation 261/2004 reads as follows:
An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

The amendments to European Commission Regulation 261/2004 on 10 June 2016\(^{10}\) define extraordinary circumstances as follows:

(Please refer to the text for full citation)

5. EXTRAORDINARY CIRCUMSTANCES

Principle

In accordance with Article 5(3) of the Regulation, an air carrier is exempted from paying compensation in the event of cancellation or delay at arrival if it can prove that the cancellation or delay is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken. In order to be exempted from the payment of compensation the carrier must therefore simultaneously prove:

— the existence and the link between the extraordinary circumstances and the delay or the cancellation, and

— the fact that this delay or cancellation could not have been avoided although it took all reasonable measures.

A given extraordinary circumstance can produce more than one cancellation or delay at final destination, such as in the case of an Air Traffic Management decision as referred to in Recital 15 of the Regulation. As derogation from the normal rule, i.e.: the payment of compensation, which reflects the objective of consumer protection, it must be interpreted strictly. Therefore all the extraordinary circumstances which surround an event such as those listed in Recital 14 are not necessarily grounds for an exemption from the obligation to pay compensation, but require a case-by-case assessment.

Finally, in case of technical problems extraordinary circumstances must relate to an event which meets two cumulative conditions: first, it is not inherent in the normal exercise of the activity of the air carrier concerned; second, it is beyond the actual control of that carrier on account of its nature or origin.

In the 2017 ruling on C-315/15, Marcela Pešková, Jiří Peška v Travel Service a.s., which is appended to this submission, the European Court stated the following with regard to the interpretation of extraordinary circumstances:

Thus, an event constitutes extraordinary circumstances where, on the one hand, it is not inherent in the normal exercise of the activity of the air carrier and where, on the other hand, owing to its nature or origin, it is beyond the air carrier’s actual control. Therefore, the absence of one of those conditions prevents the classification of an event as ‘extraordinary circumstances’.

We think Canada should adopt a clear rule on airlines’ exemption from liability that is similar to what is set out in the European legislation.

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\(^{10}\) Notice of the European Commission, Brussels, 10 June 2016, C(2016) 3502 final.
d. The burden of proof

Regulation 261/2004 indicates at article 5, section 4 that the burden of proving extraordinary circumstances rests with the carrier.

We believe it is important to provide for a similar burden of proof in the regulations adopted pursuant to the amendments to the CTA in Bill C-49.
3.3 SUGGESTIONS

Time limit
Article 29 of the Montreal Convention provides for a two-year limitation of action applicable to any action for damages. Remember that the Montreal Convention only covers damage suffered by passengers as a result of a flight cancellation or delay for which the airline is responsible.

With regard to claims related to denied boarding, cancellations or delays, we recommend adopting the three-year limitation of action found in the common law. Moreover, this requirement would be consistent with the European regulation, which provides that the applicable time limit varies based on the legislation of each country.

Responsibility of airports in the event of delays caused by strikes or renovations
We believe there should be provision for holding Canadian airports responsible in the event of a strike, major renovations or technical failures that cause long flight delays or cancellations. This would entitle passengers to the same compensation and rights as passengers who have suffered damage caused by air carriers. Indeed, in such situations, the airline could avoid liability by invoking force majeure or the exemption clause provided for in the Act. We don't believe that passengers should bear the full brunt of the negative effects of such situations.

We therefore recommend that a process be established for filing claims against airports or even airlines.

4. Summary
In summary, here are our recommendations:

1. Declare Bill C-49 to be complementary to the Montreal Convention.

2. Harmonize the terms “holder of a domestic license” and “carrier.”

3. Amend section 67.3 by replacing “a person adversely affected” with “from or on behalf of a person,” consistent with section 156 of the Air Transportation Regulations (SOR/88-58).

4. Amend subparagraph 18(2)(iii) of Bill C-49 regarding subparagraph 86(1)(h)(iii) to allow “adversely affected” persons to be represented by counsel, consistent with our constitutional rights.

5. Enact clear rules on posting the rights and remedies of air passengers in Canadian airports. In particular, allow companies and associations that defend passengers’ rights to advertise in Canadian airports.

6. Require airlines that deny boarding or cancel a flight to provide each affected passenger with written notice of the reason for the denial of boarding or cancellation. Carriers should also make an effort to inform passengers who reach their final destination with a delay of three hours or more of the reason for the delay.

7. Establish more public monitoring of the management of Canadian airports.
8. **Apply** or follow the European legislation regarding the minimum compensation to be paid in the event of a long delay, cancellation or denial of boarding, i.e., the equivalent of 250 euros for all flights of 1,500 kilometres or less, 400 euros for all intra-Community flights of more than 1,500 kilometres and for all flights between 1,500 and 3,500 kilometres, and 600 euros for all flights not falling under either of the above categories.

9. **Define** a long delay as being two hours for domestic flights and three hours for international flights.

10. **Establish** minimum compensation equivalent to that for a cancelled flight for passengers whose flight is delayed on the tarmac more than three hours. **Require** carriers to allow passengers to de-plane after 90 minutes, in accordance with the carriers' tariff conditions, regardless of whether or not there are extraordinary circumstances.

11. **Expand** denied boarding to cover overbooking, as well as operational and other reasons. **Establish** minimum compensation equivalent to that offered to passengers whose flight has been cancelled.

12. **Apply** the same right to care found in Regulation (EC) 261/2004 for cases of denied boarding, cancellations or long delays. This care should apply even under extraordinary circumstances that are beyond the control of the airline.

13. **Define** extraordinary circumstances as an event that is not inherent in the normal exercise of the activity of the air carrier concerned and that is beyond the actual control of that carrier on account of its nature or origin. We also propose declaring that the burden of proving the extraordinary circumstances is on the carrier.

14. **Declare** that the limitation of action is equivalent to the three-year time limit applicable under common law in Canada.

15. **Make** Canadian airports **liable** in the event of strikes, major renovations or technical failures that cause long flight delays or cancellations. This would entitle passengers to the same compensation and rights as passengers who have suffered damage caused by air carriers.
5. Conclusion
In conclusion, we firmly believe that the Agency and the government should adopt legislation that is as generous and transparent as that existing at the international level. More than anything, the law should be human and protective and should facilitate access to compensation. It should be a clear and unequivocal law that reduces gray areas as much as possible and leaves little room for interpretation. This legislation is essential for restoring travellers’ confidence in air carriers. These measures will provide for following best international practices and trends in consumer protection. They will enable Canada to become a leader in the protection of air passengers.

6. Appendices
Appendix 1: European Regulation (EC) 261/2004 regarding compensation to passengers in the event of denied boarding, cancellation or long delay of flights:


Appendix 3: Judgments of the European Court
http://curia.europa.eu/juris/liste.jsf?pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=en&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C252C%252C252C%252C252C%252C252C%252C252C%252C252C%252C252C%252C252C%252C252C%252C252C%252Ctrue%252Cfalse%252Cfalse%252Cfalse%252Cfalse%252F14&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=689566

Appendix 4: A traveller compensation service forced to remove its advertising [French only]
http://plus.lapresse.ca/screens/1bcaa553-b1e3-4c84-b058-89cccf5d076e%7C_0.html

Appendix 5: The code of Federal Regulation, Title 14, Aeronautics and space, part 259:

Appendix 6: Late Flight Claim Canada client survey