

	ETHIOPIAN AIRLINES	Rev. 1.5
	GROUND SERVICES PROCEDURE MANUAL	31-Mar-2020
	Canadian Air Passenger Protection Regulations	

## Appendix - G Canadian Air Passenger Protection Regulations

Full text of the Regulation can be accessed from the below link:

<http://www.gazette.gc.ca/rp-pr/p2/2019/2019-05-29/html/sor-dors150-eng.html>

### Scope

The Air Passenger Protection Regulations (APPR) apply to all flights to, from and within Canada, including connecting flights. This includes certain charter flights on which one or more seats are for resale to the public, namely charter flights within Canada and flights to and from Canada that are a part of a charter that originated in Canada.

The regulation made a distinction made between large and small carriers. For these purposes, large carriers are considered to be carriers that have transported at least two million passengers worldwide in each of the two preceding years. All other carriers are considered to be small.

### Clear communication

The regulations ensure that passengers are aware of their rights and are kept informed during a flight disruption (delay, cancellation or denial of boarding). Carriers are required to provide passengers with information on key terms and conditions of carriage on all digital platforms they use to sell tickets, and on all itinerary-related documents the carrier issues to the passenger. They must also include a written notice with prescribed text regarding standards of treatment and compensation and directing passengers to the carrier or the CTA's website. Carriers are also expected to ensure third parties selling tickets on their behalf provide passengers with this information, where feasible.

In the event of a delay, cancellation or denial of boarding, carriers must notify passengers as soon as possible and provide regular status updates (every 30 minutes following the original scheduled departure time until a new takeoff time is confirmed or an alternative travel arrangement is booked).

### Delays, cancellations and denied boarding

The Act stipulates that a carrier's obligations toward passengers are dependent on the level of control the carrier has over the situation, as outlined below.

- **Situations within the carrier's control:** provide minimum standards of treatment, provide minimum compensation for inconvenience, and ensure passengers complete their itinerary to the destination on their ticket.
- **Situations within the carrier's control but required for safety:** provide minimum standards of treatment, and ensure passengers complete their itinerary to the destination on their ticket.

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- Situations outside the carrier’s control: ensure passengers complete their itinerary to the destination on their ticket.

**Flight disruption categories**

- Situations within the carrier’s control but required for safety purposes are those legally required to reduce risk to passengers, not including scheduled maintenance required to comply with legal requirements. This category also includes mechanical malfunction (a mechanical problem that reduces the safety of passengers, but not one identified during scheduled maintenance), decisions based on a carrier’s Safety Management System and pilot discretion.
- Situations outside the carrier’s control include war or political instability; illegal acts or sabotage; meteorological conditions or natural disasters; instructions from air traffic control; a notice to airmen (as defined in the Canadian Aviation Regulations); a security threat; airport operation issues; a medical emergency; a collision with wildlife; a labour disruption at the air carrier or essential service provider such as an airport or an air navigation service provider; a manufacturing defect that reduces the safety of passengers and that was identified by the manufacturer or a competent authority, or an instruction from an official of a state, a law enforcement agency or a person responsible for airport security.
- Situations within the carrier’s control are those that cannot be shown to fall into the other two categories.

**Completion of itinerary, rebooking and refund**

Under the regulation carrier must rebook the passenger after a delay of three hours or more and also after a cancellation. The passenger will be entitled to be rebooked on the carrier’s next available flight from the airport indicated on the ticket using a reasonable route.

For delays and cancellations within a carrier’s control, if the next available flight would depart nine hours or more after the original scheduled departure time, large carriers will have to rebook the passenger on another (competing) carrier.

If the carrier is unable to rebook the passenger on its own or a competitor’s flight leaving the airport on the ticket within 48 hours of the original departure time, it will have to transport the passenger to a nearby airport, where available, and book them on flight from that airport using a reasonable route.

Rebooking must be done under comparable conditions (e.g. same class of service). If the rebooking is made in a lower class of service, the carrier must refund the difference in the cost of the applicable portion of the ticket. If the rebooking is made in a higher level of service, the air carrier cannot request any supplementary payment.

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For delays or cancellations outside the carrier's control, if the carrier's next available flight would not depart within 48 hours, large carriers will have to rebook the passenger on another (competing) air carrier, including those departing a nearby airport.

### Standards of treatment

The regulation establishes minimum standards of treatment for all flight delays and cancellations that are either (1) within the carrier's control, or (2) within the carrier's control but required for safety purposes, where the passenger has been informed of the delay fewer than 12 hours before departure time.

First, once a departure has been delayed by two hours, air carriers must provide access to a means of communication. They must also provide passengers with food and drink in reasonable quantities taking into account the length of the delay, time of day, and the location of the delay.

If a delay is expected to extend overnight, the air carrier is required to provide, free of charge, hotel or other reasonable accommodation, if needed, and free transportation to and from the accommodation.

### Minimum levels of compensation

Under the legislation, compensation for inconvenience must be required for delays and cancellations in situations within the carrier's control that are not required for safety and are not communicated 14 or fewer days before departure. Large carriers are subject to the following compensation requirements:

- 3 or more hours, but less than 6 hours: CAN\$400
- 6 or more hours, but less than 9 hours: CAN\$700
- 9 or more hours: CAN\$1,000

Small carriers are subject to the following compensation requirements:

- 3 or more hours, but less than 6 hours: CAN\$125
- 6 or more hours, but less than 9 hours: CAN\$250
- 9 or more hours: CAN\$500

Compensation must be offered in cash or equivalent, but passengers could choose to accept other forms of compensation, which must be of greater value and cannot expire.

Upon receipt of a passenger's claim for compensation (made within one year of the incident), the air carrier that operated the disrupted flight has 30 days to respond and to pay the compensation owed or explain why compensation is not owed. However, passengers would only be able to receive compensation under these regulations if they have not already received compensation for the same event under a different regime.

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### Denied boarding

If denial of boarding is necessary due to situations within the carrier's control or within the carrier's control but required for safety purposes, the carrier must first ask all passengers if any would be willing to give up their seat in exchange for mutually agreed-upon benefits, which must be presented to the passenger in writing.

If a volunteer cannot be found, passengers denied boarding for reasons within the carrier's control and within the carrier's control but required for safety purposes are entitled to the same standards of treatment for delays and cancellations in general. They are also entitled to the rebooking and refund requirements immediately (at the passenger's choice).

If the denial of boarding is within the carrier's control and not required for safety, carriers must pay compensation to the passenger based on delay at arrival, as follows:

- Less than 6 hours: CAN\$900
- 6 or more hours, but less than 9 hours: CAN\$1,800
- 9 or more hours: CAN\$2,400

The compensation must be issued as soon as is operationally feasible, but no later than within 48 hours after boarding is denied. If the carrier cannot provide compensation before the passenger's new departure time, it must provide written confirmation of the amount owed. The carrier must adjust the amount of compensation accordingly.

Finally, these regulations prohibit carriers from subjecting passengers already on the aircraft to denial of boarding other than for safety reasons.

### Tarmac delays

The carrier must provide reasonable quantities of food and drink, and proper ventilation and cooling or heating. Passengers must be allowed to disembark three hours after the aircraft doors have been closed for take-off and three hours after the flight has landed at in an Airport Canada. In no circumstances will airlines be permitted to exceed "three-hours 45 minutes" Tarmac delay. But This does not apply if providing an opportunity for passengers to disembark is not possible, including if it is not possible for reasons related to safety and security or to air traffic or customs control

### Lost or damaged baggage

For lost and damaged baggage, airlines must compensate up to \$2100 and a refund of any baggage fees for international travel, based on the Montreal Convention air treaty. If baggage was lost, a passenger must file a claim within 21 days. If baggage is damaged, the report must be filed within seven days.

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### Transportation of musical instruments

The regulation requires carriers to establish terms and conditions of carriage regarding the transportation of musical instruments in its tariff. It must address include the acceptance of musical instruments as carry-on and checked baggage in accordance with weight, dimension and safety restrictions, as well as additional fees.

### Seating of children under the age of 14 years

The regulations require air carriers to facilitate, at the earliest opportunity, the seating of children under the age of 14 in close proximity to their parent, guardian, or tutor at no extra cost. The proximity requirement depends on the age of the child, as follows:

- under the age of 5: in a seat directly adjacent to their parent, guardian or tutor
- aged 5 to 11: in the same row and separated by no more than a seat from their parent, guardian or tutor
- aged 12 or 13: at least within two rows as the parent, guardian or tutor