



Aviation Day on the Hill

May 9th, 2023
Parliament Hill
Ottawa

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Passenger Rights in the Context of Shared Responsibility

ATAC Members agree that amendments to the Air Passenger Protection Regulations (APPR) are very much needed if requests for compensation are to become user friendly and efficient rather than a burden to all stakeholders. Air carriers, however, cannot be the only party responsible for protecting passenger rights.

APPR amendments are needed to enhance the accountability to ensure all stakeholders share in the responsibility, not simply the carriers. This must include the passenger, the air carriers and all others involved in managing or impacting air travel in Canada, such as but not limited to airports, CATSA, CBSA, US CBP, NAV CANADA, and ground service providers. Amendments to the APPR should aim to make their application simple and practical for both the passenger and the service providers. Also, of all the stakeholders involved in the travel continuum, airlines are the only ones that are facing the new processing fee on APPR claims.

Why is the air transport industry held to standards no other industry or government service is ever expected to meet?

Transport Canada Level of Service

In this post-pandemic period, Canada's aviation industry has been struck by another curse that is causing great havoc on the sector's recovery efforts. That is Transport Canada's refusal to recognize the adverse impact of some of its regulations, the poor state of the department's level of service, and the inability to see reason in industry's request for regulatory reprieve in these times of dire human resource shortages.

The drastic drop in Transport Canada's level of service is resulting in significantly increased service delays. Responses to service requests, essential for our operations, have slowed to a crawl, much longer than aviation service standards set by Transport Canada itself, especially considering the fees paid. RAIC cards, type certifications, medical approvals and renewals, professional exams, pilot proficiency checks, aircraft certification, etc. are subject to delays never before encountered. These delays are disrupting air service across Canada. The Government must own up and improve this crippling level of service by providing more resources to the sector, instead of cutting budgets.

Pilot Flight and Duty Time Regulations Recently Implemented for CAR 703 and 704 Operators Require Flexibility and Usable FRMS Requirements.

The compliance deadline for the new Fatigue Risk Management regulation for the 703 and 704 operators of December 12, 2022, could not have come at a worse time. The ATAC request for an 18-month delay considering the already critical pilot shortage was outright refused with the same dismissive attitude unfortunately too often displayed when faced with constructive feedback from operators.

To impose a new regulation at this time that requires an immediate increase of 30% of pilots required to offer the same level of service suggests a loss of touch with reality or a total disregard for sustained air services to Canada's remote regions.

The Government must acknowledge that the very existence of smaller regional carriers is threatened by the challenge of holding on to the limited experienced pilots available as the demand far exceeds the supply of available qualified pilots.

Furthermore, the suggested Fatigue Risk Management System has been amply proven to be impractical and impossible to implement for the vast majority of Canadian airlines.

There could not be any worse timing for imposing regulations that exacerbate the biggest threat that our industry has faced outside the pandemic.

Aeronautics Act Amendments Urgently Required for Safety Data Sharing Protection

For the past twenty years, ATAC has been advocating for necessary and long overdue amendments to the Aeronautics Act in order to catch up with the safety data protection put in place by the US FAA in the late 1990s. Amendments providing adequate levels of data protection are required in order to improve commercial aviation safety through a protected regime of data analysis and sharing.

ATAC and its Members are active participants with the TC Civil Aviation Collaborative Analysis Group striving to achieve safety improvements that are safety data driven. However, to enable this ICAO and world-recognized concept, an amendment to the Aeronautics Act that enshrines safety data protection must absolutely be implemented as soon as possible.

Sustainable Aviation Fuels (SAF) usage to be 10% by 2030 and Net Zero Emissions by 2050 requires GOC infrastructure leadership and financial support.

Transport Canada and other GOC departments pushed hard to adopt a new "Canada's Aviation Climate Action Plan" in line with the current GOC climate change priorities. A major focus of this new plan is to have 10% Sustainable Aviation Fuels (SAF) usage in Canada by 2030 and a net-zero target for aviation by 2050. ATAC has identified and raised concerns with the lack of commitment by the GOC in the plan, especially regarding the required infrastructure and financial support for adequate SAF supply throughout Canada. This SAF enablement urgently requires significant financial and infrastructure support by GOC.

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