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Via E-mail: [mike.redmond @otc-cta.gc.ca](mailto:mike.redmond@otc-cta.gc.ca)

Canadian Transportation Agency
Ottawa, Ontario
K1A 0N9

Attention: Mike Redmond, Chief, Tariff Investigations

Dear Sirs/Mesdames:

**RE: Decision No. 10 –C-A-2014
Dr. Gabor Lukacs v. British Airways Plc
British Airways Plc. Reply to the Response filed
by Dr. Lukacs to British Airways Plc. Submissions
on Denied Boarding Compensation in answer to
the Show Cause order of the Agency**

On behalf of British Airways Plc. (British Airways), we are replying to the submissions in response filed by Dr. Lukacs by letter dated March 26, 2014. British Airways was provided with the opportunity to show cause why the Agency should not require British Airways, with respect to the denied boarding compensation tendered to passengers under Rule 87(B)(3)(B), apply either:

1. The regime applicable in the United States of America,
2. The regime proposed by the complainant as set out in Decision No. 342-C-A- 2013,
3. The regime proposed by Air Canada as set out in Decision No. 442-C-A-2013, or
4. Any other regime that British Airways may propose that the Agency may consider to be reasonable.

British Airways responded and proposed to apply the regime proposed by Air Canada as set out in Decision No.442-C-A-2014.

Proposed denied boarding compensation amounts for travel from Canada to the European Union	
Delay at arrival caused by involuntary denied boarding	Cash or equivalent
0-4 hours	CAD 400
Over 4 hours	CAD 800

In **Issue 8** of *Decision No.10-C-A-2014*, paragraphs numbered 95 to 113, the Agency dealt with the issue of whether British Airways was required to incorporate the provisions of Regulation (EC) No. 261/2004 into the British Airways' Canadian Tariff or to make any reference to that Regulation. The Agency decided, for the reasons set out in its decision, that it would not require British Airways to do so. Dr. Lukacs is seeking to accomplish the same result that he sought in his submissions that resulted in the initial Decision. Regulation (EC) No. 261/2004 provides denied boarding compensation for passengers departing from the United Kingdom to Canada. Because there is a regulatory scheme clearly applicable and with which British Airways complies, it is not necessary to have a contractual provision in the Canadian Tariffs of air carriers governed by Regulation (EC) No. 261/2004. In the event that the European regulations were repealed, the applicable British Airways Tariff Rule 87(B)(3)(B) could be changed at that time to add the words "to and" to the words "from Canada" in order to provide the same amount of denied boarding compensation to passengers carried in either direction.

Respectfully submitted,



Carol E. McCall

Solicitor for British Airways Plc

c.c Dr. Gabor Lukacs: email to Lukacs@AirPassengerRights.ca