



DECISION NO. 91-C-A-2016

March 23, 2016

REPROPOSED TARIFF of British Airways PLC carrying on business as British Airways (British Airways) pursuant to Decision No. 49-C-A-2016.

Case No. 16-01304

BACKGROUND

- [1] This matter relates to the denied boarding compensation provisions found in Rule 87(B)(3)(b) of British Airways International Passenger Rules and Fares Tariff No. BA-1, NTA(A) No. 306 (Tariff). In Decision No. 49-C-A-2016 (Decision), the Canadian Transportation Agency (Agency) found that British Airways did not meet its tariff obligation of clarity and that the Tariff should clearly state its policy regarding the payment of denied boarding compensation for flights originating in the European Union and destined for Canada. The Agency noted in the Decision that British Airways complied with Regulation (EC) No. 261/2004, however, its tariff did not reflect its policy in this regard.
- [2] The Agency ordered British Airways to amend its Tariff to include a reference to Regulation (EC) No. 261/2004.
- [3] On March 9, 2016, British Airways submitted to the Agency proposed wording for its Tariff. The proposed wording does not mention Regulation (EC) No. 261/2004 but sets out the specific amounts of compensation that reflect the amounts stipulated therein. The issue is therefore whether the wording proposed by British Airways complies with the Decision.

ISSUE

Does the wording proposed by British Airways dealing with denied boarding compensation for flights from the European Union to Canada comply with Decision No. 49-C-A-2016?

ANALYSIS AND FINDING

- [4] The Agency ordered British Airways to make reference to Regulation (EC) No. 261/2004 in its Tariff in relation to its policy for the payment of denied boarding compensation for flights from the European Union to Canada. The proposed wording incorporates, not simply by referring to it, but by actually including the relevant terms of Regulation (EC) No. 261/2004. The Agency finds that, by including the relevant terms, British Airways has not only complied with the Decision, but it has done so in a way that has provided greater clarity in its tariff than if it had simply included a cross-reference to the provision.

CONCLUSION

- [5] The Agency therefore finds that the wording proposed by British Airways dealing with denied boarding compensation for flights from the European Union to Canada complies with Decision No. 49-C-A-2016.

(signed)

Sam Barone
Member