

# Redefining the Role of Government in Aviation

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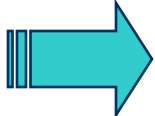
# CTA's Jurisdiction

- Air
- Marine
- Rail
- Accessible transportation

# CTA's Jurisdiction

- Domestic travel deregulated
- Exceptions:
  - 120 days prior notice for discontinuance / reduced service
  - Unreasonable fares if only carrier on domestic route (review upon complaint)
  - Unreasonable terms and conditions (review upon complaint)

# Effects of Domestic Deregulation

- Impacts policies both for international and domestic: need for uniformity
  - Uneven administrative burden
  - Is power to review upon complaint real deregulation?
  - International travel still regulated
-  Further deregulation needed

# CTA's Discretionary Power

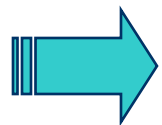
- Reasonableness test
- Extensive discretionary power
- Specialized, quasi-judicial tribunal
- High standard of review

# Exercise of Discretionary Power

- Reasonableness test – Acceptance of pets (*Peter Griffiths v. Air Canada*)
- Passengers with disability:
  - No undue obstacle to mobility
  - Acceptance of determination of self-reliance
  - Equivalent to human rights legislation
- Example: “One person, one fare” case

# Regulating Code Share Relationships

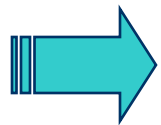
- Conditions of license: marketing carrier rules
- Usual practice: Operating carrier rules
- Goal: consumer protection
- Regulation ill-adapted – cannot reach goal
- Other possibility: informational requirements
- Internationally: different approaches



Need for uniformity?

# International Regulators' Jurisdiction

- Seasonal code share approval
  - Systematic exercise of jurisdiction
  - Application rarely refused
- Initial license application often heavy burden
  - Requirements vary widely
  - Ex: Legalized copies
- Excessive regulatory requirements to display territorial jurisdiction



Need for uniformity?



# Inherent regulatory conflicts

- Operating carrier rules vs. Conditions of license to code share
- Competition law: managing cultural and legislative differences
- Consumer protection:
  - No specific legislation in Canada
  - Growing in the US and EU
  - Applying the highest standard

# Regulatory diversity

- Denied Boarding
  - Flight cancellation / interruption / delay
  - Advertising standards
  - Passengers with a disability
  - CRS / all-inclusive pricing
  - APIS obligations – technological burden
  - Business registration requirements
  - Taxation issues (commodity tax)
-  Potential for further regulatory conflicts?

# Conclusion

- Need for international uniformity:
  - Understanding legislative requirements is burdensome and costly
  - Constant risk of non-compliance
- How to achieve uniformity?
  - Bilateral / Multilateral agreements?
  - Redefining ICAO's role?
- Further deregulate?