

DENIED BOARDING COMPENSATION

APPLICABLE FOR FLIGHTS OPERATING TO AND FROM CANADA

(A) REQUEST FOR VOLUNTEERS

THE CARRIER WILL REQUEST PASSENGERS WHO ARE WILLING TO DO SO, TO VOLUNTARILY RELINQUISH THEIR CONFIRMED RESERVED SPACE IN EXCHANGE FOR COMPENSATION IN AN AMOUNT DETERMINED BY THE CARRIER. IF A PASSENGER IS ASKED TO VOLUNTEER, THE CARRIER WILL NOT LATER DENY BOARDING TO THAT PASSENGER INVOLUNTARILY UNLESS THAT PASSENGER WAS INFORMED AT THE TIME HE WAS ASKED TO VOLUNTEER THAT THERE WAS A POSSIBILITY OF BEING DENIED BOARDING INVOLUNTARILY AND OF THE AMOUNT OF COMPENSATION TO WHICH HE WOULD HAVE BEEN ENTITLED IN THAT EVENT. THE REQUEST FOR VOLUNTEERS AND THE SELECTION OF SUCH PERSONS TO BE DENIED SPACE SHALL BE IN A MANNER DETERMINED SOLELY BY THE CARRIER.

(B) BOARDING PRIORITIES

IF A FLIGHT IS OVERSOLD (MORE PASSENGERS HOLD CONFIRMED RESERVATIONS THAN THERE ARE SEATS AVAILABLE), NO ONE MAY BE DENIED BOARDING AGAINST HIS WILL UNTIL AIRLINE PERSONNEL FIRST ASK FOR VOLUNTEERS WHO WILL GIVE UP THEIR RESERVATIONS WILLINGLY, IN EXCHANGE FOR COMPENSATION AS DETERMINED BY THE CARRIER. IF THERE ARE NOT ENOUGH VOLUNTEERS, OTHER PASSENGERS MAY BE DENIED BOARDING INVOLUNTARILY, IN ACCORDANCE WITH THE BOARDING PRIORITY OF THE CARRIER. THE BOARDING PRIORITIES ARE PROVIDED BELOW. CARRIER SHALL ACCOMMODATE PASSENGERS IN THE ORDER OF THEIR ARRIVAL TIME AT THE TICKET LIFT POINT. SHOULD IT BECOME NECESSARY TO DENY BOARDING INVOLUNTARILY, BOARDING SHALL BE DENIED TO THE LAST PASSENGER(S) TO ARRIVE AT THE TICKET LIFT POINT, EXCEPT THAT DISABLED PERSONS, UNACCOMPANIED CHILDREN AND AGED OR INFIRM PASSENGERS MAY BE EXCLUDED FROM THE DETERMINATION OF WHICH PASSENGERS SHALL BE DENIED BOARDING.

(C) TRANSPORTATION FOR PASSENGER DENIED BOARDING

WHEN THE CARRIER IS UNABLE TO PROVIDE PREVIOUSLY CONFIRMED SPACE THE CARRIER WILL PROVIDE TRANSPORTATION TO PERSONS WHO HAVE BEEN DENIED BOARDING, WHETHER VOLUNTARILY OR INVOLUNTARILY, IN ACCORDANCE WITH THE PROVISIONS OF EUROPEAN REGULATION (EC) No. 261/2004 .

(D) COMPENSATION FOR INVOLUNTARY DENIED BOARDING

IN ADDITION TO PROVIDING TRANSPORTATION AS REQUIRED BY EUROPEAN REGULATION (EC) No. 261/2004, WHEN THE PASSENGER WHO IS DENIED BOARDING HAS NOT VOLUNTARILY RELINQUISHED CONFIRMED RESERVED SPACE IN ACCORDANCE WITH PROVISIONS IN PARAGRAPH (B) ABOVE, THE CARRIER WILL COMPENSATE THE PASSENGER FOR THE CARRIER'S FAILURE TO PROVIDE CONFIRMED SPACE IN ACCORDANCE WITH THE PROVISIONS OF EUROPEAN REGULATION (EC) No. 261/2004.

(E) CONDITIONS FOR PAYMENT OF DENIED BOARDING COMPENSATION

(a) THE PASSENGER HOLDING A TICKET FOR CONFIRMED SPACE MUST PRESENT HIMSELF FOR CARRIAGE AT THE APPROPRIATE TIME AND PLACE, HAVING COMPLIED FULLY WITH THE CARRIER'S REQUIREMENTS AS TO TICKETING, CHECK-IN AND RECONFIRMATION PROCEDURES AND HAVING MET ALL REQUIREMENTS FOR ACCEPTANCE FOR TRANSPORTATION PUBLISHED IN CARRIER'S TARIFF.

(b) THE FLIGHT FOR WHICH THE PASSENGER HOLDS CONFIRMED RESERVED SPACE MUST BE UNABLE TO ACCOMMODATE THE PASSENGER AND THE FLIGHT DEPARTS WITHOUT HIM.

EXCEPTION 1: THE PASSENGER WILL NOT BE ELIGIBLE FOR COMPENSATION IF HE IS OFFERED ACCOMMODATIONS OR IS SEATED IN A SECTION OF THE AIRCRAFT OTHER THAN THAT SPECIFIED ON HIS TICKET AT NO EXTRA CHARGE. IF A PASSENGER IS SEATED IN A SECTION FOR WHICH A LOWER FARE APPLIES THE PASSENGER SHALL BE ENTITLED TO AN APPROPRIATE REFUND.

EXCEPTION 2: THE PASSENGER WILL NOT BE ELIGIBLE FOR COMPENSATION IF HIS RESERVATION HAS BEEN CANCELLED PURSUANT TO RULE 25 (REFUSAL TO TRANSPORT-LIMITATIONS OF CARRIER).

EXCEPTION 3: EMPLOYEES OF THE CARRIER OR OF OTHER CARRIERS TRAVELING ON A REDUCED RATE BASIS. THESE EMPLOYEES AND THEIR COMPANIONS ARE NOT ELIGIBLE FOR DENIED BOARDING COMPENSATION.

NOTE: THE CARRIER WILL INFORM ITS PASSENGERS OF ITS TARIFF RULES CONCERNING CHECK-IN TIME LIMITS BY PUBLICATION IN ITS PUBLIC TIMETABLES AND TICKET ENVELOPES, AND THAT FAILURE TO COMPLY WITH THESE RULES WILL RESULT IN THE CANCELLATION OF THE PASSENGER'S RESERVATION AND WILL RENDER HIM INELIGIBLE FOR DENIED BOARDING COMPENSATION.

(G) AMOUNT OF COMPENSATION FOR INVOLUNTARY DENIED BOARDING

SUBJECT TO PROVISIONS OF PARAGRAPH (E) ABOVE, THE CARRIER WILL TENDER LIQUIDATED DAMAGES IN THE AMOUNT OF THE CANADIAN EQUIVALENT OF SIX HUNDRED EUROS (€600) HOWEVER, THE COMPENSATION SHALL BE 50 PERCENT OF THE AMOUNT DESCRIBED ABOVE, IF THE CARRIER ARRANGES FOR COMPARABLE AIR TRANSPORTATION, OR FOR OTHER TRANSPORTATION AT NO COST TO THE PASSENGER THAT IS ACCEPTED AND WHICH AT THE TIME THE ARRANGEMENT IS MADE, IS PLANNED TO ARRIVE AT THE AIRPORT OF THE PASSENGER'S NEXT STOPOVER, OR IF NONE, AT THE AIRPORT OF THE PASSENGER'S DESTINATION, NOT LATER THAN 4 HOURS AFTER THE PASSENGER'S ORIGINALLY SCHEDULED ARRIVAL TIME.

NOTE 1: IF THE OFFER OF COMPENSATION IS MADE BY THE CARRIER AND ACCEPTED BY THE PASSENGER, SUCH PAYMENT WILL CONSTITUTE FULL COMPENSATION FOR ALL ACTUAL OR ANTICIPATORY DAMAGES INCURRED OR TO BE INCURRED BY THE PASSENGER AS A RESULT OF CARRIER'S FAILURE TO PROVIDE PASSENGER WITH CONFIRMED RESERVED SPACE.

- (H) TIME OF OFFER OF COMPENSATION
COMPENSATION WILL BE MADE BY THE CARRIER ON THE DAY AND AT THE PLACE WHERE THE FAILURE TO PROVIDE CONFIRMED RESERVED SPACE OCCURS, AND, IF ACCEPTED, WILL BE RECEIPTED FOR BY THE PASSENGER. PROVIDED, HOWEVER, THAT WHEN THE CARRIER ARRANGES, FOR THE PASSENGER'S CONVENIENCE, ALTERNATE MEANS OF TRANSPORTATION THAT DEPARTS PRIOR TO THE TIME COMPENSATION CAN BE MADE TO THE PASSENGER, THE COMPENSATION SHALL BE MADE BY MAIL OR OTHER MEANS WITHIN 7 DAYS AFTER THE TIME THE FAILURE OCCURS.