



TURKISH AIRLINES CANADA

By email:

consultations@otc

-cta.gc.ca

Turkish Airlines Inc.
170 University Ave. Suite #400
Toronto, ON M5H 3B3
Tel 1-866-284 3014 Fax:
1-416-2604881
www.thy.com

Canadian Transportation Agency
15 Eddy Street, 19th Floor
Gatineau, Quebec K1A 0N9

Subject: Submissions regarding Phase II of the *Accessible Transportation for Persons with Disabilities Regulations* ("A TPDR")

Dear Madam, Dear Sir,

We are writing to you in order to respectfully submit our comments regarding the "Consultation paper: Phase II of the *Accessible Transportation for Persons with Disabilities Regulations*" (the "Consultation Paper"). In particular, we would like to provide feedback regarding the application of the One Person, One Fare ("1p1f") requirement to international travel and the transportation of emotional support animals ("ESA") and service animals other than dogs.

1. One Person, One Fare for international travel

At Turkish Airlines, we pay extra attention to passengers with a disability and are determined to provide them with maximum comfort during travel, so that their disability does not become an obstacle to their potential travels.

However, we don't think that the 1p1f rule should be applied to international transportation and, in any case, it should not be applied to international transportation providers.

First, as indicated in the Consultation Paper, international air treaties typically prohibit interference in the pricing choices of foreign airlines. More specifically, we believe that imposing the 1p1f rule to foreign carriers for flights departing from airports outside of Canada would violate the territorial sovereignty of foreign states and thus contravene to Article 1 of the *Convention on International Civil Aviation* (the "Chicago Convention"), to which Canada is a party.

Second, the 1p1f rule goes beyond the recommendations of Annex 9 to the Chicago Convention. Indeed, in case of carriage of service animals, art. 8.3.7 does not require the provisions of a free seat, it only recommends free transportation on the floor at the person's feet. In case of carriage



Turkish Airlines Inc. 170 University Ave. Suite #400

Toronto, ON M5H 3B3
Tel 1-416-260 4880
Fax: 1-416-2604881 WWW.thy.com

of an assistant, art. 8.40 only recommends that "Contracting States should encourage aircraft operators to offer discounts for the carriage of that assistant". By going beyond ICAO's recommendation, the 1 p 1 f rule frustrates attempts to create a consistent approach to accessibility in international air travel.

To achieve this goal, we believe that any initiatives regarding international travels should be made in a internationally-harmonized manner, through the International Civil Aviation Organization. Indeed, we believe that proliferation of national rules that are not harmonized (and could even be contradictory) have a negative impact on all the actors of international transportation. Following ICAO's recommendation and having international-harmonized rules would avoid having a disparate legal framework that result in a disproportionate operational complexity for the airlines and, at the same time, only create more confusion for the disabled passengers.

Finally, if CTA decides to impose the 1 p 1 f rule on foreign carriers, we believe that the criteria as to when the provision of an additional seat is required should be strictly defined, otherwise the

1 p 1 f rule would be an open gateway for system abuse. Moreover, with the current delay of 48 hours notice granted to the passengers to request an additional seat, airlines could be put in a difficult situation if they were required to deny boarding to a passenger who had a valid reservation because they had to provide an additional seat to a passenger with a disability. It should be clear that such situations would be outside of the carrier's control and thus would not give rise to compensation pursuant to the *Air Passenger Protection Regulations*.

2. Emotional Support Animals and Service Animals Other than Dogs

The transportation of ESAs and service animals other than dogs is a concern for Turkish Airlines. Although we want to accommodate the needs of all our passengers, the transportation of animals can cause distress to some other passengers who can have a phobia or a serious allergic reaction. Moreover, certain animals can cause safety and hygiene issues.

For these reasons, we believe that the requirements to transport ESAs should be limited to domestic pets such as cats, dogs and small singing birds (parakeets and canaries).

Moreover, for the comfort and safety of all passengers and of all animals, the following limitations should apply:

- Only dogs should be accepted as service animals;
- ESAs should only be allowed in cabin when carried in a cage, soft case cage or bag. Moreover the transportation provider should be permitted to require that ESAs be

tethered, leashed, harnessed, and/or kept within their travel carrier whenever another passenger has some form of a phobia or allergy to such ESAs;

LEGAL_32796785.1

TURKISH AIRLINES



Turkish Airlines Inc. 170 University Ave. Suite #400

Toronto, ON M5H 3B3
Tel: 1-416-260 4880
Fax: 1-416-2604881
www.thy.com

vt>..

- the ESA's weight (with cage included) should not exceed 8 kg and the cage should not exceed 23cm height x 30 cm width x 40 cm length.
- Pregnant animals, breastfeeding mothers, animals under 10 weeks old or are still breastfeeding cannot be accepted for transportation. Moreover, animals between 10 to 12 weeks old cannot be accepted unless approval from a veterinarian is provided;
- Only one animal per passenger should be accepted as an ESA. If the same passenger has several animals, only animals of the same species and that are used to being together should be transported in the same cage, providing that they do not exceed the weight of 8 kgs;
- ESA should only be accepted when the passenger provides documentation :
 - o emanating from a healthcare practitioner who is treating the passenger in relation to his disability that confirms that the passenger needs the animal to travel for disability-related reasons; and
 - o emanating from a veterinarian or a person or organization specializing in training of ESA that confirms that the animal will not need to relieve itself during transportation, and that it will not bark, growl, or act aggressively towards other passengers and other animals.

Regarding notices, we believe that the current 48 hours advance notice prior to departure applicable for most service is reasonable as it helps airlines prepare and, if required, to block a front row seat to ensure that there is enough space for the passenger and its ESA during transportation.

We also believe that the Regulations should be the same for all transportation providers and that there should not be any differences based on the mode of transportation.

Finally, we think that any regulations requiring the acceptance of ESAs should provide for solutions regarding conflicts of interests between passengers travelling with ESAs and passengers suffering from allergies or phobias to the ESAs. Indeed, no penalty should be imposed on the transportation providers if it was impossible for them to accommodate the needs of both passengers and were obliged to deny transportation to one of these passengers.

With all best regards,

LEGAL_32796785.1

..{'''