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## **Some Features of Aviation Safety Facilitation Standards in Relation to the COVID-19 Pandemic**

*In the aftermath of the COVID-19 outbreak, States, including government regulators, airports, airlines and aircraft manufacturers developed, in coordination with public health authorities, a set of measures aimed at reducing health risks to air travelers, aviation workers and the general public. The implementation of these measures will facilitate and strengthen the global recovery from the COVID-19 pandemic.*

From the onset of the coronavirus disease 2019 (COVID-19) crisis, the aviation system has faced ever-growing challenges. The International Civil Aviation Organization (ICAO), through the Council Aviation Recovery Task Force (CART), has resolved to partner with its Member States, international and regional organizations, and industry to address these challenges and to provide global guidance for a safe, secure and sustainable restart and recovery of the aviation sector.

States and the civil aviation industry will need to commit towards building a more resilient air transport system, supported by clear communication and the recognition of aviation's vital role as a worldwide enabler, more so in times of crisis. In particular, States should identify and bridge gaps, with ICAO's assistance, to ensure adequate support to vulnerable segments of the international community and provision of essential services. A major element for future preparedness will involve analyzing insights and experience gained from this crisis to improve processes and coordination mechanisms.

Globally- and regionally-harmonized, mutually-accepted measures are essential. Such measures should be compatible with safety and security requirements; proportionate to the improvement of public health; flexible where possible to allow for a viable economic recovery; and safeguarded not to distort markets. Measures that impose costs or burdens on the industry must be carefully considered and justified by safety, public health, and confidence of passengers and crew.

These measures can be regrouped in four categories:

a) Aviation safety-related measures. States may temporarily depart from ICAO Standards but must do so in a manner that does not compromise safety and security, and which is duly reported to ICAO. These departures should not be retained beyond the crisis.

b) Aviation public health-related measures. States should establish public health procedures aligned with the guidance included in the document, "Take-off: Guidance for Air Travel through the COVID-19 Public Health Crisis". The necessity of these measures should be regularly reviewed. The measures which are no longer relevant should be discontinued when the need for their application has ceased to exist.

c) Security- and facilitation-related measures. States should enhance cross-

sectoral coordination by establishing a National Air Transport Facilitation Committee or equivalent, and systematically use the Passenger Health Locator Form as a reference. It is States' responsibility to maintain security across all operations.

d) Economic and financial measures. These should be inclusive, targeted, proportionate, transparent, temporary and consistent with ICAO's policies, while striking an appropriate balance of interests without prejudice to fair competition.

The success of aviation's recovery today and future resilience is best achieved with collective efforts among stakeholders across regions and sectors. Rigorous follow-up to the recommendations and measures outlined in ICAO reports will be required at all levels, local, national and international. The measures will also need to be adjusted to respond to the evolving situation. For that purpose, ICAO, in cooperation with all civil aviation stakeholders, should continue to monitor and assess the situation by seizing the opportunity to reinforce the aviation ecosystem.

It is mentioned that special attention should be given to the facilitation of entry, departure and transit of aircraft engaged in relief flights as per Annex 9 — Facilitation Standard 8.8, in light of the urgent need to ensure sustainability of the global air cargo supply chain enabling notably to maintain the availability of equipment such as ventilators, masks and other health and hygiene-related goods, which are necessary to assist in reducing the public health risk of the spread of COVID-19.

In in the current situation, States are reminded of the related ICAO Annex 9 - Facilitation provisions to expediting the release and clearance of goods carried by air, with a focus on Standard 4.7, regarding use of modern screening or examination techniques for examination of goods, and Standard 8.8 for the facilitation of entry, departure and transit of aircraft engaged in relief flights and to implement all measures to facilitate the receipt of aid, including overflight and landing rights and necessary privileges and immunities for relief units, in an effort to avoid disruption.

Several States have implemented measures to prevent disruptions to such critical operations, by maintaining all cargo flights and excluding crew members of cargo flights from quarantine. There is an urgent need to ensure sustainability of the global air cargo supply chain and in maintaining the availability of medication, and equipment such as ventilators, masks and other health and hygiene-related goods, which are necessary to assist in reducing the public health risk of the spread of COVID-19.

Furthermore, some States have reported the implementation of entry screening for air travelers. Evidence, however, has shown that entry screening may miss infected cases and States are reminded not to rely on entry screening as a stand-alone measure. Screening measures should be part of a multilayer strategy.

In addition to the implementation of the measures mentioned in these State letters, several States have organized special flights for the exclusive purpose of repatriating their nationals and other eligible persons from foreign countries through operations by State aircraft, humanitarian flights or chartered commercial flights. These flights, which are organized by States for the sole purpose of repatriating their nationals and other eligible persons from other States, with no embarkation or disembarkation of other passengers for "remuneration or hire", could be designated as "repatriation flights". This would ensure that necessary authorizations for the

entry, departure and transit of aircraft carrying out such “repatriation flights” are granted expeditiously.

As regards “repatriation flights” carried out on a commercial basis, States are obligatory under Article 5 of the Convention on International Civil Aviation (Chicago Convention) of 1944 on privilege of foreign aircraft engaged in non-scheduled commercial flights to carry passengers to/from their territories, subject to conditions imposed by States. As a result of the extraordinary circumstances caused by COVID-19, States are encouraged to review their authorization procedures with a view to granting speedy approval to such “repatriation flights,” in line with the relevant provisions relating to international non-scheduled flights found in Section F of Chapter 2 to Annex 9 – Facilitation to the Chicago Convention.

Considering the above, States should be invited to facilitate the operations of all designated “repatriation flights” during the COVID-19 pandemic by reviewing their authorization procedures and exercising flexibility in their approaches for granting all necessary authorizations for the entry, departure and transit of aircraft carrying out such operations whether by State aircraft, humanitarian flights or chartered commercial flights.

ICAO set up the Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) program which recommended the implementation of the ICAO Public Health Corridor (PHC) concept. The first guidance material developed under this concept, Implementing a Public Health Corridor to Protect Flight Crew during the COVID-19 Pandemic (Cargo Operations) 9, aims at the facilitation of essential cargo flights to support supply chain operations in the delivery of essential medical supplies as part of the global response to the pandemic.

The level of States’ non-compliance with relevant Annex 9 Standards and Recommended Practices (SARPs) poses risks to an effectively coordinated civil aviation response to a pandemic. Limited use by States of a Passenger Health Locator Form as recommended by ICAO undermines States’ ability to perform contact tracing following the arrival of cases of infection. Establishing a National Air Transport Facilitation Committees, as required by Annex 9, or its equivalent, and ensuring its effective functioning, can deliver the level of coordination amongst government and industry stakeholders required for prompt and effective actions.

For instance:

1) Crew members, maintenance and cargo/load specialized personnel who are involved in flights with a layover, should not be medically quarantined and detained for observations while on layover or after returning, unless they were exposed to a known symptomatic passenger or crew member on board or during the layover;

2) Crew members operating passenger aircraft with cargo only, for example, should ensure that the correct notification has been sent to all agencies, to ensure that there is no confusion, or that crew members carried on board such as loadmasters, engineers, and cabin crew are correctly recognized and designated on the crew manifest.

3) For transfer passengers develop “one-stop” health screening arrangements using existing one-stop security arrangement as a model. In this model, passengers

and property are not rescreened at transfer locations based on mutual recognition of security measures between the States in the travel itinerary. A similar arrangement for health screening procedures may prevent new queuing points at passenger transfer locations.

States should consider implementing measures that facilitate the continued operation of aircraft, such that:

a) Quarantine measures are not imposed on crew who need to layover, or rest, for the purposes of complying with flight time limitation (FTL) rest requirements.

b) Crews are not subject to screening or restrictions applicable to other travelers.

c) Health screening methods for crew members are as non-invasive as possible.

Increased use of advanced technologies is encouraged to facilitate contactless processing of passengers at various stages of their journey.

## **Conclusions**

States are strongly urged to:

a) coordinate between aviation and health authorities and to establish National Facilitation Committees that comprise all relevant groups, in line with Annex 9 Standard 8.19, taking into account that cross-sector collaboration at the national level is essential;

b) adhere to the relevant Annex 9 Standards intended to ensure sustainable air cargo operations and global air cargo supply chain;

c) take into account the guidance material contained in Appendix 12, page 12-2 to Annex 9, notably the ones related to screening measures to be applied in a health emergency and the additional information found in Chapters 4 and 8 of ICAO Doc 9957, The Facilitation Manual and Doc 10042, Model National Air Transport Facilitation Program.

States are also encouraged to share with ICAO any information on the measures taken and any difficulties encountered during this period as regards the authorization and operation of “repatriation flights” described above.

Finally for Member States there are such recommendations as:

a) Member States should expedite the development of guidance for safety management of new operations or operation change during this crisis;

b) Member States that have not done so should immediately establish a National Air Transport Facilitation Committee (or equivalent) as required by Annex 9 to increase national level cross-sectoral coordination;

c) Member States should systematically use a Passenger Health Locator Form to ensure identification and traceability of passengers to help limit the spread of the disease and resurgence of the pandemic; and

d) Member States should facilitate information-sharing and exchange on their actions and best practices by contributing to an ICAO database of measures.

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