

VC POLICY

FLIGHTS TO AND OVER CRISIS AREAS

Description

Frequently civil aviation is the target of attacks by individuals, extremist groups or countries, in which conditions are politically unstable and weapons are used to resolve conflict. Subsequently, areas, in which air transport is subject to increased known or expected threats by weapons systems, are called crisis areas.

In particular, the uncontrolled spreading of these systems and their constant advancement pose a potential threat when flying over such areas or departing or landing at airports in them.

It is irrelevant to the threat level, whether or not the conflict has been declared a war.

Principle

As a basic principle, Vereinigung Cockpit is opposed to flights to and over crisis areas due to the unavoidable increased risks involved.

Prerequisites for flights in and over crisis areas

Notwithstanding, it must be taken into account that a prevention of flights to and over crisis areas is not possible without any exceptions. To keep the risks for such flights as low as possible, Vereinigung Cockpit e.V. believes it is absolutely necessary that

- all relevant security information is collected and communicated to the persons concerned,
- a detailed threat and risk assessment is conducted by an independent authority including the expertise of pilot representatives and airlines,
- this information is made available to the captain early on in the planning phase,
- the pilot-in-command is informed about short notice changes in risk factors prior to and during the flight and during a possible stopover in crisis areas,
- if necessary, the crew receives instructions in dealing with the specific dangers of the assignment (e.g., according to the provisions in §§ 5 and 6 of the German Occupational Safety and Health Act - ArbSchG),

- the pilot-in-command makes the final decision on execution or changing the flight, e.g. flying around crisis areas or landing at an alternative airport.

Under no circumstances do passive or active defence systems, which are available on-board, justify a flight to or over crisis areas. They shall not lead to accept higher risks. Their application does not belong to the current training of civilian pilots.

Selection and legal framework of the employees

If an air carrier conducts flights to or over crisis areas, only employees, who were provided with information in this regard and have agreed to such an assignment, shall be assigned. There shall be no disadvantages to employees, who refuse to conduct such flights. It shall be refrained from incentives to increase the amount of volunteers.

Furthermore, the air carrier shall assume liability for possibly cancelled insurance coverage to dependants and claimants.

If an employee participates in a flight to or over a crisis area, voluntarily or by obligation, the following legal guidelines take effect:

- the rights and obligations resulting from the employment contract
- company provisions if available (see recommendation in this regard)
- The German Civil Codes §§ 617, 618 specify the care of duty of employers resulting from § 241 of the German Civil Code for the employees and the care of duty of superiors towards their employees (among other things, the captain to his or her crew as well) taking company interests into account

Breaches of care of duty or safeguarding provisions by an employer can be legally clarified however, always require a precise review of the individual case. Normally, this cannot be achieved within a short period of time.

However, in the event of short notice refusals, disciplinary action may be taken under certain circumstances because the possibility of weighing interests and maintaining the principle of commensurability is taken from the employer. Therefore, early comments on willingness or refusal are recommended. If an assignment takes place, alternative risk-reducing measures are conceivable, e.g. flying around the crisis area.

The VC Legal Department is available to and can be contacted by the members in this respect.

Suggestions for a corporate regulation

Assignments to or over crisis areas often force crews to make decisions on very short notice (sometimes even while on standby). Therefore, the creation of a regulation on a corporate level is recommended. This enables increased planning stability for crews as well as the flight operation.

Such a regulation shall particularly include the following items in terms of this policy:

- criteria for the declaration of crisis areas and the participation of employee representation, in particular taking the travel warnings of Germany's Federal Foreign Office into consideration (but not exclusively!)
- continuous conduction of travel risk management according to the stipulated criteria and provision of contingency plans
- procedures to inform crew members and enquire about willingness to participate in a flight to or over a crisis area, securing options to withdraw from the flight and the exclusion of incentives to increase the amount of volunteers
- information and instructions regarding general and specific dangers prior to and during flight operation to or over a crisis area
- how to deal with sudden changes in an area or destination airport in a crisis area
- assumption of insurance coverage from company and private insurances for the crew members if these flights to and over crisis areas are not covered

Suggestions for threat and risk assessment

The operation of flights to or over crisis areas is only reasonable with a diligent threat and risk assessment. The quality of this assessment depends, in particular, on the information it is based on, which essentially only institutions such as intelligence services and military facilities from various countries can compile and supply.

At the same time, political and economical conflicts of interest are possible. Therefore, and in order to achieve the best requirements for a high quality threat and risk assessment, Vereinigung Cockpit e.V. suggests:

The establishment/use of an international, independent body, which conducts the risk analysis for crisis areas and publicly announces recommendations regarding flights to and over crisis areas.

This authority requires the necessary competency, which is acknowledged by the states, as well as prompt access to information regarding threat levels, weapons and counterintelligence.

The recommendations made by this body should take into consideration all threat scenarios known and assumed (e.g. threat radius and application heights of weapons systems), to create a sufficient spatial safe distance and therefore, to eliminate the threat of the weapon effect to civil aviation.

The flight crew shall be provided with detailed information in a timely manner, to ensure a safe flight operation. Updated changes shall be communicated, to enable necessary adjustments at short notice.

Annex

- **IFALPA Annex 17 – Security Attachment 2.: Operations in Hostile Fire Zones**