



ECA
Piloting Safety

ECA POSITION PAPER

FLIGHTS INTO AND OVER CONFLICT ZONES

BACKGROUND

Due to the dynamic political situation across the world, conflict zones persist and change, sometimes suddenly and/or unpredictably, exposing civil aviation and the layover of flight crews to the risk of collateral damage or targeted attack.

According to ICAO regulations it is the responsibility of Member States to close any airspace over their territory in which the safety and security of air traffic cannot be guaranteed¹. Unfortunately, Member States do not adhere to this obligation in all cases.

While EASA publishes recommendations for areas of armed conflicts via Conflict Zone Information Bulletins (CZIB), the official restriction or closure of individual conflict zone airspaces for airlines is subject to the national authorities of the respective aircraft's state of registration. In addition, airlines evaluate conflict zone airspaces and mitigating measures internally. Political, diplomatic and financial interests of the involved stakeholders can lead to inconsistent assessments. Discrepancies in these assessments and resulting decisions can develop within airline groups and holdings and with codeshare airlines from different nations due to different national risk assessments and imposed restrictions.

The final responsibility for the actual routing always lies with the Commander, who is responsible for the safety and security of passengers, crew and the aircraft, based on the flight crews' assessment of information provided by the airline during the briefing and inflight. Unfortunately, relevant information is not always included or clearly presented to the flight crew thus limiting the Commander's situational awareness to exercise his/her legal responsibility.

The shooting of flight MH17 over Ukraine (2014) or flight PS752 departing Tehran/Iran (2020) and repeated North Korean missile tests near congested flight routes show that the existing measures to avoid flights in and over conflict zones are not sufficient to adequately protect civil aviation, incl. passengers, aircrew and the people living under the flight path.

¹ ICAO, Annex 17, Chapter 2. General principles, 2.1 Objectives (11th Edition, 2020); and ICAO Annex 11, Attachment C. Material relating to contingency planning, 4. Preparatory action, Article 4.2b (15th Edition, 2018)

RECOMMENDATIONS

Even if it is currently not possible to totally avoid flights in and over conflict zones, in principle ECA objects to those flights because of the associated inevitable increased risks.

In order to keep the risks as low as possible, ECA recommends:

- in addition to the key action of EPAS², the collecting and distribution of information from national authorities to all stakeholders in a timely manner; and
- a detailed threat and risk assessment by an independent European body, which should include such collected information and the expertise of pilot representatives and airlines.

To fully support the Commander in his/her responsibility, the airline should pass on all relevant security information in a mandatory, detailed and timely manner. This applies in particular to short-term changes in risk factors before and during the flight and when crews may be in or close to those areas of conflicts. Furthermore, training should be implemented in dealing with specific dangers related to flights into and over conflict zones.

Notices to Airmen (NOTAM) and other communications containing the necessary information and advice should be updated and passed to the flight crew in real time. Long term information about such conflict zones should not be taken out of NOTAMs or should be distributed to flight crews in a different way.

In addition, the final responsibility of the Commander about the conduct of the flight or any change to its routing should never be challenged, e.g., by the open or indirect threat of sanctions and his/her decision should not be influenced by economic pressure. This should be explicitly spelled out in an airline's safety policy and be clearly communicated in the above-mentioned training.

CONCLUSIONS

- Flights over and into conflict zones cause a significant reduction in safety and security and involve the risk of collateral damage. These flights should in principle be avoided and only be conducted after a thorough risk assessment and the implementation of appropriate mitigation measures.
- ECA urges the European States and aviation organizations to join together both at national level and internationally under the leadership of a dedicated European body and take collective action towards the threat and risk assessment of every flight, with the goal of sharing the outcome of such assessment swiftly among aviation stakeholders and authorities, in order to improve flight safety and security even more.
- NOTAMs containing information on flights into and over conflict zones should be afforded a different status by operators so that they stand out among the other NOTAMs and crews can easily attribute the necessary importance to them.

8 March 2021

² EASA (2019), European Plan for Aviation Safety (EPAS) 2020-2024, Ch. 3.1.1.4 Impact of security on safety, Conflict Zones Key Action: "Disseminate information to air operators in order to mitigate the risk associated with overflying conflict zones".