

NIGERIAN AVIATION INDUSTRY POST COVID-19 LOCKDOWN RESTART PLAN

[1] In light of the predicted reopening of the airports, the Federal Airports Authority of Nigeria (FAAN) has disclosed that it has commenced fumigation of International Airports in Lagos, Abuja, and Port Harcourt ahead of reopening of flight operations in Nigeria.

[2] AOCs are granted primarily for the operation of commercial flights. This includes unscheduled aircraft operators involved in commercial operations. Private Aircraft Operators are expected to continue to abide by all applicable flight operation and airworthiness regulatory requirements but are free to adopt provisions of the Circular.

Overview

On April 27, 2020, the Federal Government of Nigeria (‘FGN’) announced the phasing out of the lockdown imposed in Lagos State, Ogun State and the Federal Capital Territory, Abuja commencing on May 4, 2020.

Prior to this directive, the FGN, on March 23, 2020, issued a directive banning all local and international inbound and outbound flights for an initial period of four (4) weeks. On the May 6, 2020 this ban was extended for a period of four (4) additional weeks, till June 4, 2020.

Based on the foregoing, the Nigerian Civil Aviation Authority (‘NCAA’) issued guidelines and protocols to be implemented to ensure an organized, safe, secure and efficient normalization of industry post COVID-19 operations via NCAA Advisory Circular NCAA-AC-FSG-001 dated May 1, 2020 (‘Circular 1’). In addition, the NCAA via an Advisory Circular NCAA-AC-AMS-002 dated May 1, 2020 (‘Circular 2’) issued guidelines aimed at ensuring the safety of airport operators post COVID-19 and to ensure non-transmission of the virus amongst foreign and local crew members, passengers on local and international flights as well as all airport operators and staff.¹

This briefing highlights the key provisions of both circulars and their impact on the commencement of commercial air travel in the Nigeria.

Obligations under the Circulars

A. Restart Plan

Circular 1 provides that all holders of Air Operator Certificates (‘AOC’s’)² are to draft an Airline Restart Plan to provide assurance of safe operations, which caters to safety in the technical perspective of flight operations (i.e. issues such as aircraft disinfection, aircraft de-preservation) and puts in place practical measures to protect passengers from the spread of the COVID-19 infection.

The restart plan guidelines, as contained under Circular 1, are broken into Immediate Actions, as well as Short, Medium and Long-Term Plans by the NCAA to ensure that all requirements are met for the holders of AOC’s to resume operations as quickly and seamlessly as possible once the airports are reopened.

Actions	Timeline	Required Action by Airlines
Immediate Actions	Quarter 2, 2020 Required to restart operations	The obligations cover requirements over these key areas: i) Personnel licensing and medicals such as submission of evidence/licenses of recurrence and refresher courses (where applicable); health and safety training for flight crew, cabin crew, dispatchers, ground operations officers) ii) Customer protection relating to unutilized tickets, reimbursement of tickets, provisions for delayed flights, flight route commencement information etc.)
Short-Term Plans	Quarter 3, 2020 Next in line after the Immediate Actions.	The obligations cover requirements over these key areas: i) Airworthiness (such as submission of Certification of Aircraft Post COVID-19 for return to service; submission of evidence of certifying staff recently; submission of evidence of health and safety specific training with emphasis on COVID-19; Arrangement for aircraft spares etc) ii) Flight operations (such as provision of evidence of licenses, refreshers, medicals etc for flight crew, cabin crew, dispatchers and ground operations)



[3] As detailed in the Short-Term Plans.

[4] As detailed in the Short-Term Plans.

Medium Term Plans	Quarter 4, 2020 to Quarter 4, 2021	The obligations cover requirements over these key areas:
	Require longer periods to implement than the immediate and short-term plans. They also include measures and plans to transit to normal operation.	<ul style="list-style-type: none"> i) Personnel licensing and medicals such as submission of evidence/licenses of recurrence and refresher courses (where applicable); health and safety training for flight crew, cabin crew, dispatchers, ground operations officers) ii) Customer protection relating to unutilized tickets, reimbursement of tickets, provisions for delayed flights, flight route commencement information etc.)
Short-Term Plans	Quarter 1, 2022	The obligations cover requirements over these key areas with a focus on the return to normal operations and a complete automation of NCAA safety oversight services:
	At this point, it is expected that the Nigerian aviation sector is experiencing closer to normal operations after full recovery from the pandemic which may include major changes in our mode of operations as well as automation of many of our processes stemming from the COVID-19 experiences.	<ul style="list-style-type: none"> i) Airworthiness³ ii) Flight Operations⁴ iii) Personnel Licensing / Medicals iv) Air Transport Regulations v) Consumer Protection vi) Safety Management System

Commentary

The restart plan guidelines in Circular 1 provide a roadmap for the gradual recovery of the Nigerian aviation sector from the COVID-19-induced halt to the sector.

Importantly, the Restart Plan provides measurable phases and milestones within such phases, as a means to drive the sector towards gradual recovery. The consumer protection plans of each operator, particularly, those relating to unutilized tickets and reimbursement of tickets for flights that were supposed to have been undertaken if not for the COVID-19, would be key in endearing consumers to a particular operator, avoid series of law suits and ultimately, confidence in the sector.

B. Public Health Corridor Requirement

The NCAA has also adopted a Public Health Corridor Requirement ("PHCR"), as a prerequisite for commencement of the immediate restart actions. The concept of the PHCR was originally developed by the International Civil Aviation Organisation (ICAO) and the Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) as a means to manage, from an aviation perspective, essential flights that would allow aircraft and crew to perform with minimal additional burdens, while maintaining flight safety and preventing the transmission of COVID-19.

The focus of the PHCR is the use of 'clean' crew, 'clean' aircraft, and 'clean' airport facilities to mitigate the spread of COVID-19 through air travel. The key elements include the implementation of operational and health measures, as well as disinfection and segregation procedures, to ensure that persons infected with COVID-19 will not be allowed on flights

Under Circular 1, the PHCR covers diverse aspects of flight operations to protect against the spread of COVID-19, including the process for boarding of passengers, in-flight protection and disembarkation from aircraft. The PHCR also caters to situations where a COVID-19 threat is identified aboard an aircraft and provides guidelines for the process of management of such an occurrence.

Some of the key measures adopted under the PHCR include:

- (i) Airlines are to encourage passengers to check-in online and drop off their check-in bags if any to avoid congestion at the check-in counters.
- (ii) Social distancing of at least two (2) meters shall be ensured by cabin crew members, ground handling, airline personnel during boarding and sitting of passengers.
- (iii) Airline or ground handling staff shall conduct secondary temperature screening for all passengers using a hand-held infrared temperature scanner. Passengers with a temperature of 38 Centigrade or higher will not be allowed to board the aircraft.
- (iv) Aircraft will be disinfected daily.
- (v) Cabin crew members are to ensure social distancing (seat blocking) while sitting the passengers as follows:
 - Where there are three (3) seats in a row, the middle seat is to be left unoccupied
 - Where there are two (2) seats in a row, only one passenger is to be sited on the window seat
 - Crew members are to ensure that there is a vacant seat (blocked seat) between passengers for the entire duration of the flight.

- No passenger will be allowed to change his/her seat during the flight.
- There shall be no serving of food or drinks during the flight. For flights lasting two (2) hours or more, pre-packed snacks or meals can be served. No passenger except babies will be allowed to eat while on board the aircraft, except as in certain circumstances.
- Cabin crew will spray disinfectant in lavatories every thirty (30) minutes for domestic flights and sixty (60) minutes for regional and international flights, or after every ten (10) uses.

For regional and international flights:

- (vi) Passengers shall not be allowed to pick up their luggage from the baggage carousel themselves. Instead, ground handling personnel shall pick up the luggage from the belt and place it in such a way that each piece is a safe distance from the other. Passengers shall wait behind tensa barriers placed in such a way that social distance is maintained. Groups of passengers, not more than 10 each, shall be allowed to pick up their luggage at one time.
- (vii) No meet and greet at the airport.
- (viii) Passengers and flight crew will submit their travel passports to the Nigerian Immigration Service ("NIS"). Passports will be retrieved by passengers and flight crew from the NIS after completing the fourteen (14) days mandatory quarantine or successful treatment for COVID-19.
- (ix) All passengers and flight crew will undergo a mandatory fourteen (14) day quarantine in line with the protocols of the Nigerian Center for Disease control ("NCDC"). The quarantine will be undertaken in an accommodation pre-assessed and approved by the NCDC. The NCDC will carry out surveillance and testing of passengers during the quarantine period.
- (x) Transportation to the quarantined facility will be arranged by concerned agencies.
- (xi) Passengers will be responsible for all expenses of their stay in the hotel/paid facility for the duration of their quarantine. Government may choose to provide quarantine facility for passengers at no cost to the passengers, if available.

Most importantly, the NCAA PHCR requires that where there is a passenger suspected to be infected with COVID-19 on board an aircraft, such passenger is to be separated and isolated on board, including:

- (i) Asking the ill person to wear a medical mask and practice respiratory hygiene when coughing or sneezing;
- (ii) Use of the universal precaution kit for the disposal of all waste from such passenger;
- (iii) Designating one crew member to serve the ill person, preferably a crew member trained in infection prevention and control measures and not necessarily the crew member that has already been attending to this passenger;
- (iv) If possible, designating one toilet for use only by the ill person; and
- (v) Whilst attending to an ill passenger who displays fever, persistent cough, or difficulty breathing, always use personal protective equipment ("PPE")



[5] Ibom Air's modern fleet of Bombardier CRJ 900 aircraft are fitted with High Efficiency Particulate Air (HEPA) filters: <https://businessdayng/aviation/article/ibom-air-takes-delivery-of-4th-aircraft-expands-fleet/>

In addition to the foregoing obligations, Circular 2 provides detailed requirements to be fulfilled by Airport Operators in Nigeria in a bid to ensure they are operating safely post COVID-19 lockdown. Circular 2 provides the guidelines and mitigants for areas dealing with the transmission, contracting and importing the virus upon return of passengers to Nigeria. They are:

- (i) The use of materials such as social media, education and communication materials such as leaflets, pamphlets, banners, public announcements to educate passengers, airport workers/staff and users on the importance of creating awareness of all mandatory health and safety measures;
- (ii) Adequate health screening of all passengers at the entrance of both the departure and arrival terminals inclusive of temperature checks and visual screening;
- (iii) Adequate social distancing marking and queue managers at strategic areas in all airport terminals;
- (iv) Provision of automatic sanitizer dispensers, hand washing stations at strategic places in the airport terminals;
- (v) Ensure the availability of PPE (e.g. facemasks, gloves, googles etc) for all airport workers when carrying out their duties;
- (vi) Provision of pedal operated dust bins at strategic locations in the airport terminals for safe collection of waste and to ensure that all waste is treated with biosafety considerations;
- (vii) Daily disinfection and decontamination of the airport terminal areas and ensuring that the seats in the waiting lounges are arranged in compliance with social distancing policies;
- (viii) Restrooms within the airport premises to be cleaned and disinfected every two (2) hours and only a minimum number of passengers will be allowed into the restrooms to avoid overcrowding;
- (ix) Daily and frequent disinfection of trolleys;
- (x) Airport shuttles are to convey passengers with no passengers sitting next to the other and airport shuttle buses and cabs will only be allowed to maximum number of passengers to ensure social distancing.

Commentary

The adoption of the PHCR by the NCAA is a good start as same has been adopted globally, as a baseline, for the management of aviation during the COVID-19 period.

That said, the NCAA is encouraged to build on the PHCR to accommodate our local peculiarities as well as other progressive updates in the sector. For instance:

- *the guideline should provide for a cleaning and disinfection procedure for aircraft, particularly, after it is identified that an infected passenger boarded the aircraft. This is recommended on the back of 'recent' procedures taken by international airlines to ensure detection and prevention of the onboarding of passengers suspected to be infected, and the management of potential crisis on board. As an example, Emirates Airline has adopted an enhanced cleaning and disinfection system on all aircraft departing from its hub in Dubai. The cleaning process includes a comprehensive wipe down of all surfaces – from windows, tray tables, seatback screens, armrests, seats, in-seat controls, panels, air vents and overhead lockers in the cabin, to lavatories, galleys and crew rest areas. This is done in addition to other normal procedures such as changing head rest covers on all seats, replacement of reading materials, vacuuming, and more. On any aircraft that was found to have transported a suspected or confirmed COVID-19 case, Emirates would go even further, and implement deep cleaning and disinfection in a process that takes between six (6) to eight (8) hours to complete. This includes the defogging of cabin interiors and misting with disinfectant across all soft furnishings, and replacement of seat covers and cushions in the affected area.*
- *we are of the opinion, in addition to the above, that aircraft used in local flights should be disinfected after each flight and not just once a day as stated in the PHCR. The aforesaid cleaning process may not be as detailed as the once stated above but the basic requirement should also be set by the NCAA. We acknowledge that the above recommendation would have an effect on the flight schedules as turnaround time would be longer but it is a safer procedure considering the impact of an infected passenger in the spread of the virus.*
- *the seats blocking requirements would significantly affect the revenue of the already struggling operators as this means that they would be carrying less passengers with the same costs for operating a full load even with the reduction in the price of jet fuel.*

Internationally, these same fears have been brought to the fore, as airlines struggle to commence operations. It has been reported that Delta Air Lines is blocking middle seats and capping flight loads through June 30 for social distancing, allowing only fifty per cent (50%) to sixty per cent (60%) of available seats on a flight to be booked.

As such, in the Nigerian context, what palliatives are the NCAA providing or procuring for the operators – reduced charges, tariffs, increased ticket prices?

- *NCAA is also encouraged to address the need to replace high-efficiency particulate air (HEPA) filters, or not, whenever a COVID-19 infected person (be it passenger, crew or otherwise) has been onboard an aircraft – HEPA filters are proven to filter out 99.97% of viruses, as well as dust, allergens and microbes.⁵ We note that Emirates, as part of its COVID-19 mitigation procedure, replaces its HEPA filters whenever a COVID-19 infected person has been onboard one if its aircraft.*
- *Finally, NCAA is encouraged to work with FAAN, NCDC, Federal Ministry of Information (and any other relevant government agency) as well as the relevant aviation stakeholders, to inform them of the measures to be adopted under the PHCR. This would ensure ease of implementation.*

C. Protocol for Nigerian based flight crew operating regional and international flights

The NCAA issued an All Operators Letter dated May 27, 2020 issuing new policy for regional and international flight crew members. Under the letter, all operators are mandated to observe the following stipulated guidelines during their operations in Nigeria going forward:

- (a) Adequate stock of PPE, minimum seventy per cent (70%) alcohol – based hand sanitizers and universal precaution kits on board aircraft before the flight;
- (b) Disinfection of the aircrafts in line with the NCAA guidelines;
- (c) When on board, flight crew members are to ensure all passengers make use of face mask for the duration of the flights except when eating or using emergency oxygen;
- (d) While boarding, flight crew members must ensure that passengers rub their hands with alcohol-based sanitizer as they embark the aircraft;
- (e) Notices are to be placed on all lavatory/washroom that requests passengers wash their hands after using the lavatory; and cabin crew members will apply disinfectant spray in the lavatory every sixty (60) minutes during the flight;
- (f) When on board, flight crew members must maintain safe distance between passengers and crew members;
- (g) Only pre-packed refreshments will be served to passengers;
- (h) Airline shall carry return catering;
- (i) Only a minimum number of crew members will be allowed on board an airline to allow for immediate turnaround of the flight with no crew member disembarking from the aircraft, except for mandatory walk around which will be allowed where the deck and crew members put on the essential PPE; and maintain social distancing policies;
- (j) Only online filing of flight deck crew will be accepted, where impossible crew members are to exercise extreme caution and put on the essential PPE and ensure to sanitize properly after interfacing with the ground staff/dispatchers;
- (k) Crew members are to safely remove their PPE and ensure safe disposal in line with the IPC procedures after every flight;
- (l) Adequate observance of crew duty time rest period where flight crew members are to lay over in a foreign country and ensure that all necessary commute arrangements are arranged before arrival and ensure strict compliance with all public health regulations as well social distancing policies laid down in the foreign country;
- (m) Flight crew members will not be subject to the 14 days quarantine period but will be mandated to carry out testing for COVID-19 every 14 days at the cost to the air operator, where flight crew members test positive to the virus, will be taken to the isolation center for further management.

D. Lockdown Restart Protocol Assessment Checklist

The NCAA, in addition, has developed the Lockdown Restart Protocol Assessment Checklist as an assessment of AOC's readiness to restart flight operation. Circular 1 provides that upon satisfaction of these requirements under the checklist, AOC's are granted authorisations to restart operations.



[6] Issued on June 17, 2020

E. Compliance Obligations

All holders of AOC's issued by the NCAA are to ensure they review and comply to the provisions of Circular 1 and send proof of such compliance to the NCAA.

Upon submission of the proof of compliance, Circular 1 provides that the AOC is to make itself available for a post COVID-19 restart plan assessment by the NCAA, upon which AOC holders would be granted approval to resume by the Director-General of the NCAA.

Conclusion

The Circulars, and guidelines provided therein, form a solid base for restarting the aviation sector in Nigeria, particularly as it has been one of the hardest hit sectors worldwide. The adoption of the PHCR's is evidence of the Nigerian aviation sector's readiness to restart the sector. It is our however recommended that our proposals be consider and implemented promptly so the sector reopens on a good note.

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