



INTERNATIONAL CONFERENCE ON

# Impact of COVID-19 on Civil Aviation: Change in the Regulatory Landscape

Presented by:  
The Centre for Aviation and Space Laws,  
WBNUJS, Kolkata

**August 14, 2021**

## Conference Report

# **Report of International Conference on: IMPACT OF COVID-19 ON CIVIL AVIATION: CHANGE IN THE REGULATORY LANDSCAPE**

**Prepared by:**

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The Centre for Aviation and Space Laws (CASL), West Bengal National University of Juridical Sciences, Kolkata organized an international conference on the “Impact of COVID-19 on Civil Aviation: Change in the Regulatory Landscape”. The CASL carries the mandate of exploring, analysing and critically evaluating the legal developments in the aviation, space and allied industries to lead the way forward. In light of the devastating effect of the global pandemic on the civil aviation, mapping the regulatory changes in the aviation sector is found as the most significant topic for this conference. The conference marked the participation of esteemed resource persons from international and national arena, academicians, scholars, aviation law enthusiasts and students. The focus of the conference was to initiate pertinent discussion and to find solutions to various challenges that are being faced by the civil aviation sector owing to the global pandemic.

The conference started with the welcome address of the Vice Chancellor of NUJS who highlighted the need for a detailed discourse on the current status of the aviation industry across the globe. The Director of CASL, Prof. (Dr.) Sandeepa Bhat B., has delivered the inaugural address by deliberating on the major legal issues faced by the global aviation industry during the pandemic. While he first addressed the legality of closure of airspace by different States under the Chicago Convention and its related instruments, subsequently, he pointed out the concerns of passenger liability, airworthiness of aircrafts, aviation financing and aviation safety in the wake of the global pandemic. Prof. (Dr.) Anis H. Bajrektarevic from Austria delivered the keynote address on some of the less explored aspects of COVID-19 and civil aviation. Respect for human rights and the Charter of United Nations in undertaking any action is highlighted during his presentation.

Following the inaugural session, Prof. (Dr.) Anna Konert and Dr. Tomasz Bakerzak from Poland presented on the Polish regulations in air law related to COVID-19 in the first technical session. The presentation referred to the guidelines given by the EASA and mapped the COVID-19 protocols in the EU. These protocols

include vaccination certificates, vaccine trackers and cleaning and disinfection of aircrafts. Ms. Jessica Los Banos from Indonesia was the second resource person of this session, and she presented on the Philippine's experience of dealing with the impact of COVID-19 on the air transport industry. The presentation referred to the CICA and IHR frameworks and was informative in analysing the COVID-19 guidelines' progression in the Philippines. The importance was laid on swift action in public health emergencies, science-driven measures and investment in health technologies.

This session also had three paper presentations. Prof. (Dr.) Kanwal D.P. Singh and Dr. Jitender Loura jointly presented a paper on the impact of COVID-19 on operations and cyber-security of civil aviation. Mr. Vikrant Pachnanda debated on the need for a dedicated law in India for air passenger protection, while referring to the EC Regulation and Montreal Convention. Mr. Rajat Dixit presented on the drones regulatory framework in India in terms of COVID-19. The right to individual privacy and enjoyment of property rights were discussed in depth along with tortious claims that may arise due to the misuse of drone technology.

The second technical session started with the presentation by Dr. Attila Sipos from Hungary. He presented on the aspect of public health issues associated with the aviation industry due to the pandemic. This presentation referred to the Chicago Convention, Montreal Convention and the unified regulation that apply in terms of risk management. The need for more specific and detailed regulations was highlighted to improve access, cooperation and trust. Dr. Divya Tyagi from GNLU Gujarat has been the second resource person of this session, and he carried forward the discussion on aviation and public health norms. He started with the Chicago Convention, and subsequently, highlighted on the Indian measures taken against COVID-19. Recent decisions concerning the subject matter were analysed to predict future issues that may arise in this sector.

Ms. Sakshi Gandhi and Mr. Hrithik Yadav presented a paper on the status of contractual obligations in the aviation sector following the COVID-19 pandemic. They discussed the impact of COVID-19 and the measures, precautions and legal issues arising from the pandemic in terms of aviation. Special attention was paid to the issues of force majeure and the doctrine of frustration as applied to aviation contracts in the COVID-19 era. Mr. Avantik Tamta presented the last paper of this session on an interesting aspect of the changed consumer behaviour in the wake of COVID-19 and its impact on the future of aviation. Though he finds that there is a declining trend

of passenger travel, he is of the view that the air freight is going to pickup, and the airlines need to adjust themselves to this change to overcome the crisis.

The last technical session started with the presentation by internationally renowned aviation law practitioner and academic, Prof. Patrick Honnebier from Netherlands. Being an expert in aviation financing, he discussed on the impact of COVID-19 on the international aviation finance and lease practice. He has been critical on the Indian approach in terms of limiting the rights of the financiers in exercising their internationally recognised remedies by highlighting the significant cases. This was followed by the presentation of another resource person, Prof. Mario O. Folchi from Argentina. His presentation emphasised on the topic of carriers' liability towards passengers and consumers. While focusing on the interplay between the aviation norms and consumer laws, he pointed out the need for a balanced approach for a healthy future of the civil aviation.

Subsequently, Dr. Shouvik Kumar Guha spoke on the aspect of aviation insolvency and aircraft financing in the wake of COVID-19 pandemic. He focused on the point that the grounding of aircrafts for a long period of time has resulted in the depreciation of their value, which is really a concern for the creditors, and then, he went on to elaborate different instances of airline insolvency in India. Mr Ayush Katyayana, the last presenter of the Conference, spoke on the insolvency and restructuring proceedings in the aviation sector during and after the pandemic. His major focus in the presentation has been on the evaluation of NCLT's decision in the case of Jet Airways.

Every session had dedicated 20 minutes each for questions and answers, which has been productive with participants raising quality questions and the expert resource persons responding to them. Every legal concern that the aviation industry is facing at present has been churned out in the best possible way. As the participation in the Conference included representation from ministry of civil aviation, aviation industry, legal practitioners, academics and aviation enthusiasts, the Conference has been successful in reaching various stakeholders. The quality deliberation in the Conference is expected to lead the path for the creation of a conducive legal environment to help the recovery of aviation industry without compromising the consumer satisfaction.