

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. 63

29 JANUARY 2021

DISASTER MANAGEMENT ACT, 2002

DIRECTIONS ISSUED IN TERMS OF REGULATION 4(7) READ WITH REGULATIONS 42(1), 42(2), 42(3), 42(4), 42A(3), 43(2)(a) AND 43(5) OF THE REGULATIONS MADE UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): MEASURES TO PREVENT AND COMBAT THE SPREAD OF COVID-19 IN THE AIR SERVICES FOR ADJUSTED ALERT LEVEL 3

I, Fikile Mbalula, Minister of Transport, in terms of regulation 4(7), read with regulations 42(1) 42(2), 42(3), 42(4), 42A(3), 43(2)(a) and 43(5), of the Regulations made under section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, trade, industry and competition, health, police and justice and correctional services, finance and public enterprises hereby issue the directions set out in the Schedule, to address, prevent and combat the spread of COVID-19 in the air services for Adjusted Alert Level 3.



MR F.A. MBALULA, MP

MINISTER OF TRANSPORT

DATE: 21.01.2021



SCHEDULE

1. Definitions
2. Authority
3. Purpose of directions
4. Application of directions
5. Provision of access to hygiene and disinfection control at airports designated as Ports of Entry
6. International and domestic flights
7. General aviation
8. Airports and airlines
9. Compliance with measures for prevention of spread of COVID-19
10. Air Cargo
11. Oversight responsibilities of South African Civil Aviation Authority
12. Responsibilities of Airports Company South Africa
13. Responsibilities of Air Traffic and Navigation Services
14. Enforcement of directions
15. Withdrawal of directions
16. Short title and commencement

1. Definitions

In these directions, any other word or expression bears the meaning assigned to it in the Disaster Management Act, the Act or in the Regulations, and, unless the context otherwise indicates—

"air service operator" means a commercial air transport operator providing a scheduled, non-scheduled or general air service;

"Disaster Management Act" means the Disaster Management Act, 2002 (Act No. 57 of 2002);

"International Airports Designated as Ports of Entry" means the International Airports that have the Port Health capability;

"the Act" means the International Air Services Act, 1993 (Act No. 60 of 1993); and

"the Regulations" means the Regulations made under section 27(2) of the Disaster Management Act, published under Government Notice No. 480, in Government Gazette No. 43258 of 29 April 2020, as amended under—

- (a) Government Notice No. 608, published in Government Gazette No. 43364 of 28 May 2020;
- (b) Government Notice No. 714, published in Government Gazette No. 43476 of 25 June 2020;
- (c) Government Notice No. 763, published in Government Gazette No. 43521 of 12 July 2020;
- (d) Government Notice No. 846, published in Government Gazette No. 43577 of 31 July 2020;
- (e) Government Notice No. 891, published in Government Gazette No. 43620 of 17 August 2020;
- (f) Government Notice No. 999, published in Government Gazette No. 43725 of 18 September 2020;
- (g) Government Notice No. 1053, published in Government Gazette No. 43763 of 1 October 2020;
- (h) Government Notice No. 1104, published in Government Gazette No. 43825 of 21 October 2020;
- (i) Government Notice No. 1199, published in Government Gazette No. 43897 of 11 November 2020;

- (j) Government Notice No.1290, published in *Government Gazette* No. 43964 of 3 December 2020;
- (k) Government Notice No.1346, published in *Government Gazette* No. 43997 of 15 December 2020;
- (l) Government Notice No.1370, published in *Government Gazette* No. 44009 of 17 December 2020;
- (m) Government Notice No.1421, published in *Government Gazette* No. 44042 of 24 December 2020;
- (n) Government Notice No. R. 1423, published in *Government Gazette* No. 44044 of 29 December 2020;
- (o) Government Notice No. R. 1424, published in *Government Gazette* No. 44045 of 29 December 2020;
- (p) Government Notice No. R. 1435, published in *Government Gazette* No. 44051 of 29 December 2020; and
- (q) Government Notice No.1370, published in *Government Gazette* No. of 11 January 2021.

2. Authority of directions

- (1) Section 26(2)(b) of the Disaster Management Act provides that a national disaster, once declared, must be managed in accordance with existing legislation, as well as contingency arrangements, as amplified by disaster management regulations or directions issued in terms of section 27(2) of the Disaster Management Act.
- (2) These directions are issued pursuant to the provisions of section 27(2) of the Disaster Management Act and specifically in terms of regulation 4(7), read with regulations 42(1) 42(2), 42(3), 42(4), 42A(3), 43(2)(a) and 43(5), of the Regulations, to provide for measures necessary to manage the spread of COVID-19 in the air services for Adjusted Alert Level 3.
- (3) These directions are valid for the duration of the declared national state of disaster.

3. Purpose of directions

- (1) The purpose of these directions is to provide for—
 - (a) improved hygiene control and disinfection facilities at Airports, operated by licensed airport operators, designated as Ports of Entry, cargo handling facilities, airports repair facilities, providers of airports maintenance or services, airport terminals, terminal operations and in licensed airports operations;
 - (b) international and domestic passenger flights;
 - (c) the handling of air cargo entering the country;
 - (d) compliance with the measures for the prevention of the spread of COVID-19;
 - (e) oversight responsibilities by the South African Civil Aviation Authority;
 - (f) responsibilities by the Airports Company South Africa; and
 - (g) responsibilities by the Air Traffic and Navigation Services.

4. Application of directions

These directions are applicable to all air service operators, foreign nationals, and crew in respect of the risk category of the country of origin, as well as South African citizens and permanent residents.

5. Provision of access to hygiene and disinfection control at airports designated as Ports of Entry

- (1) Licensed airports, operated by licensed airport operators, designated as Ports of Entry, cargo handling facilities, repair facilities, providers of maintenance or services, terminals, terminal operations and licensed operations must provide adequate facilities for washing of hands and disinfection equipment for visitors, airport personnel and management for the duration of the national state of disaster.
- (2) An air service operator must provide disinfection facilities and procedures.
- (3) Biometric screening at airports must be suspended and replaced with a card system until further notice.

- (4) The respective employers of airport personnel must provide them with appropriate safety gear and equipment.

6. International and domestic flights

- (1) International flights to and from the Republic, as well as domestic flights within the Republic, are permitted in terms of regulation 42, read with regulation 43(2)(a), of the Regulations.
- (2) International passenger flights to and from the Republic are permitted, subject to the following conditions:
- (a) A traveller must provide a valid negative Polymerase Chain Reaction ("PCR") test certificate, obtained not more than 72 hours before the date of travel, from an accredited laboratory and, in line with World Health Organization requirements or equivalent local accreditation authority. South African Authorities reserve the right to verify the authenticity of the presented PCR negative test certificates;
 - (b) in the event of the traveller's failure, for whatever reason, to submit a valid negative test certificate in terms of paragraph (a), upon arrival in South Africa, the traveller shall be required to do an antigen test at his or her own costs;
 - (c) in the event of the traveller testing positive for COVID-19, he or she shall be required to isolate him or herself, at his or her own cost, for 10 days;
 - (d) a passenger is required to wear a face mask at all times, may only remove a face mask during an emergency or when instructed by cabin crew to take it off and must observe social distancing;
 - (e) a foreign Operator is required to submit procedures that show the level of compliance with South African COVID-19 legislation for approval to the South African Civil Aviation Authority;
 - (f) foreign Air Ambulance Services are permitted to transport COVID-19 positive patients: Provided that they obtain approval from the Department of Health, obtain a permit issued by the Department of Transport prior to departure, and comply with the Department of Health Protocols and the Air Ambulance Guidelines issued by the Minister;

- (g) a child under the age of six years may be exempted from wearing a face mask;
- (h) a passenger who is unable to wear a face mask due to an underlying medical condition, must submit a medical certificate from a registered medical practitioner to the Operator prior to departure;
- (i) flight deck crew are required to wear face masks for the purpose of embarking and disembarking;
- (j) cabin crew members are required to wear face masks at all times, except when conducting a safety briefing or during an emergency;
- (k) an "immunity passport", "risk-free certificate" or "passport immunity" in respect of COVID-19 is not acceptable;
- (l) an Operator shall not board any passenger without a valid negative PCR or a valid negative COVID-19 test certificate;
- (m) crew members shall, upon arrival in South Africa, be subjected to health protocols as contemplated in Health Directions;
- (n) an Operator must ensure and follow the following risk mitigation measures for crew members:
 - (i) Conduct risk assessments to ensure that crew members are fit and proper before they undertake their travel duties and mitigate the risk of COVID-19 crew infections; and
 - (ii) ensure that crew members are protected whilst on duty;
- (o) an Operator is allowed to provide catering on-board the aircraft: Provided that it takes all risk mitigation and health and safety measures to contain the spread of COVID-19, which includes the provision of pre-packed meals;
- (p) a passenger in transit—
 - (i) must be in possession of a valid negative PCR test certificate or a valid negative COVID-19 test certificate, obtained not more than 72 hours before the date of travel, from an accredited laboratory;
 - (ii) who displays symptoms of COVID-19 must, upon arrival and under the direction of Port Health—
 - (aa) be taken through primary and secondary screening, including COVID-19 testing, where applicable;

- (bb) if travelling with family, be quarantined, at own cost, with the whole family; and
 - (cc) if a positive test result is obtained, be isolated, at own cost; and
 - (iii) must follow all Department of Health protocols and guidelines.
- a child or a person with disabilities may be exempted from COVID-19 testing if testing will prove to be a challenge: Provided that Operators must consult local public health authorities to confirm the requirement prior to departure.
- (3) International scheduled operations and charter flights carrying passengers are allowed at the following airports:
 - (a) OR Tambo International Airport;
 - (b) King Shaka International Airport; and
 - (c) Cape Town International Airport;
- (4) Charter Operators conducting cargo and passenger operations to and from the Republic are permitted to operate at the following airports with Port Health capacity:
 - (a) Bram Fischer International Airport;
 - (b) Cape Town International Airport;
 - (c) King Shaka International Airport;
 - (d) Kruger Mpumalanga International Airport;
 - (e) Lanseria International Airport;
 - (f) OR Tambo International Airport;
 - (g) Polokwane Airport;
 - (h) Port Elizabeth International Airport; and
 - (i) Upington International Airport.
- (5) With regard to international outbound flights—
 - (a) subject to the travel requirements of the country of destination, a passenger must provide the Operator with a valid negative PCR test certificate or a valid negative COVID-19 test certificate from an accredited laboratory, certified by the South African Health Products Regulatory Authority ("SAHPRA") and South African National Accreditation System ("SANAS");

- (b) an Operator is responsible for ensuring that passengers comply with COVID-19 requirements of the country of destination; and
 - (c) Operators must familiarise themselves with the public health measures, including testing requirements, at the destination airports prior to departure.
- (6) Domestic passenger flights are permitted at the following domestic airports, as approved:
- (a) Bram Fischer International Airport;
 - (b) Cape Town International Airport;
 - (c) East London;
 - (d) George Airport;
 - (e) Hoedspruit Airport;
 - (f) Kimberly Airport;
 - (g) King Shaka International Airport;
 - (h) Kruger Mpumalanga International Airport;
 - (i) Lanseria International Airport;
 - (j) Margate Airport;
 - (k) Mthatha Airport;
 - (l) OR Tambo International Airport;
 - (m) Phalaborwa Airport;
 - (n) Pietermaritzburg Airport;
 - (o) Pilanesburg Airport;
 - (p) Plettenberg Bay Airport;
 - (q) Polokwane Airport;
 - (r) Port Elizabeth International Airport;
 - (s) Richards Bay Airport;
 - (t) Sishen Airport;
 - (u) Skukuza Airport; and
 - (v) Upington International Airport.

7. General aviation

General and recreational aviation and aerial work, consistent with the applicable COVID-19 Regulations and Directions, are permitted.

8. Airports and airlines

- (1) Airports in the Republic of South Africa and all airlines operating in the Republic of South Africa must develop and implement procedures consistent with the applicable COVID-19 Regulations and Directions.
- (2) Airlines must adjust flight times in line with the curfew time contemplated in the Regulations.
- (3) Travellers must appropriately plan their travel, taking into cognisance the mandatory curfew.

9. Compliance with measures for prevention of spread of COVID-19

- (1) Aircraft maintenance organisations, air operators, airports, regulated agents, aviation security screening organisations, flight examiners, aviation security training schools and aviation training schools are required to submit procedures for approval to the South African Civil Aviation Authority consistent with the guidelines issued by the Minister.
- (2) The procedures contemplated in subdirection (1) must demonstrate measures that will be put in place in order to minimise the risk of spreading COVID-19, as provided for in the directions issued by Ministers of the respective government departments and the guidelines issued by the Minister.

10. Air cargo

- (1) The following International Airports, designated as Ports of Entry, have Port Health capability and will be ready to handle air cargo:
 - (a) Bram Fischer International Airport;
 - (b) Cape Town International Airport;
 - (c) King Shaka International Airport;
 - (d) Kruger Mpumalanga International Airport;
 - (e) Lanseria International Airport;
 - (f) OR Tambo International Airport;
 - (g) Pilanesberg Airport;

- (h) Polokwane Airport;
 - (i) Port Elizabeth International Airport; and
 - (j) Upington International Airport.
- (3) The loading and off-loading of air cargo in and out of International Airports, designated as Ports of Entry, are permitted.

11. Oversight responsibilities of South African Civil Aviation Authority

- (1) The South African Civil Aviation Authority must continue to monitor the implementation of these directions and guidelines issued by the Minister.
- (2) (a) The South African Civil Aviation Authority and Port Health must support the national tracing and monitoring system.
- (b) Operators must, on demand, furnish the South African Civil Aviation Authority with air cargo records, manifests and other necessary and material flight information.
- (3) The South African Civil Aviation Authority and Port Health must keep a register of air cargo manifest, flight information and all personnel boarding an aircraft for purpose of providing a service to that aircraft.

12. Responsibilities of Airports Company South Africa

- (1) The Airports Company South Africa SOC Limited ("ACSA") must comply with and implement these directions.
- (2) The ACSA must ensure that, for the duration of the national state of disaster, it will provide its own personnel with the appropriate safety gear and equipment.
- (3) The ACSA must provide adequate facilities for washing of hands and disinfection equipment for visitors, airport personnel and management for the duration of the national state of disaster.

13. Responsibilities of Air Traffic and Navigation Services

- (1) The Air Traffic and Navigation Services SOC Limited ("ATNS") must comply with and implement these directions.

- (2) The ATNS must, if necessary, redirect or reroute any aircraft entering the South African airspace to an international airport designated as one of the Ports of Entry.

14. Enforcement of directions

Authorised officers, as defined in section 1 of the Act, must enforce the provisions of these directions.

15. Withdrawal of directions

The Directions issued under Government Notice No. 415, published in *Government Gazette* No. 43160 of 26 March 2020, as amended, are hereby withdrawn.

16. Short title and commencement

These directions are called the Directions on measures to address, prevent and combat the spread of COVID-19 in the Air Services for Adjusted Alert Level 3 and come into operation on the date of publication by the Minister in the *Gazette*.