

## **ADVISORY INFORMATION 14/2021**

*02 November 2021*



### **MINISTRY OF TRANSPORT MALAYSIA, POLICY ON REPATRIATION FLIGHTS.**

#### **1 Introduction**

- 1.1 The Ministry of Transport (MOT) Malaysia has issued policies for repatriation flights (Attached with this Advisory Information). This Advisory circular is to ensure operators are made aware of this policy.
- 1.2 Operators are to follow the published policies by MOT.
- 1.3 The purpose of this policy is to provide guidance on the principles, rules and application methods for repatriation flight operations in the Malaysian aviation sector.

#### **2 Background**

- 2.1 The International Civil Aviation Organization (ICAO) via letter with reference number EC 6/3-20/55 dated 15 April 2020 issued advice to Member States on speedy authorisation of repatriation flights during the COVID-19 pandemic period.
- 2.2 As a result of the extraordinary circumstances caused by COVID-19, States are encouraged to review their authorisation procedures with a view to granting speedy approval to such repatriation flights, in line with the relevant provisions relating to international non-scheduled flights found in Section F of Chapter 2 to Annex 9 - Facilitation to the Chicago Convention.

#### **3 Eligibility**

- 3.1 Only air transportation companies which are registered and have been issued a valid Air Operator's Certificate (AOC) by either Malaysia or the corresponding State, or one which is valid and has been issued by another foreign State and is recognised by either Malaysia or the corresponding State, are eligible to apply for the provision of repatriation flights.

A handwritten signature in black ink, appearing to read 'Chester Voo Chee Soon', is written over a horizontal line.

**CAPTAIN CHESTER VOO CHEE SOON**

Chief Executive Officer  
for Civil Aviation Authority of Malaysia

02<sup>nd</sup> November 2021



MINISTRY OF TRANSPORT  
MALAYSIA

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## POLICY ON REPATRIATION FLIGHTS

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### 1. PURPOSE

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- 2.2 As a result of the extraordinary circumstances caused by COVID-19, States are encouraged to review their authorisation procedures with a view to granting speedy approval to such repatriation flights, in line with the relevant provisions relating to international non-scheduled flights found in Section F of Chapter 2 to Annex 9 – Facilitation to the Chicago Convention.

### 3. DEFINITION

- 3.1 **Repatriation flights** refer to special flights organised by States through operations by State aircraft, humanitarian flights or chartered commercial flights for the sole purpose of repatriating their nationals and other eligible persons from other States, with no embarkation or disembarkation of other passengers for remuneration or hire.
- 3.2 Repatriation flights can also be carried out on a commercial basis subject to conditions imposed by the receiving States.

#### 4. ELIGIBILITY

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#### 5. CONDITIONS

- 5.1 Repatriation flights have a certain number of flights available for a period not exceeding three (3) months in a year, and does not utilise any air traffic rights which have been agreed prior between Malaysia and the corresponding State.
- 5.2 However, under certain circumstances that States are unable to achieve the conditions as outlined in paragraph 5.1, namely due to the large numbers of a particular States' citizens seeking to return home, the Government of Malaysia may consider on a case-by-case basis to allow repatriation flights beyond the stipulated time limit.
- 5.3 Repatriation flights are allowed for multiple points within Malaysia, with no cabotage rights granted for the domestic sector(s). For example, Singapore – Kuala Lumpur – Penang – Singapore.
- 5.4 No additional up-lift of passengers to/from Malaysia (be it Malaysian citizens or non-Malaysian citizens) **unless** if there has been an agreement between the Government of Malaysia and the corresponding State. This means, the appointed air transportation company can only carry the passengers which have been declared in the flight's passenger manifest.
- 5.5 The appointed air transportation company shall not compete against scheduled airline services by offering services which mimic scheduled airline services, such as:
- (a) having a regular and consistent flight schedule; and
  - (b) selling flight tickets to the general public, such as via the air transportation company's website or via a ticket or sales agent which has not been appointed by the State to conduct the repatriation flight(s).
- 5.6 The appointed air transportation company shall use the services of ground handling companies which have been approved by the Government of Malaysia for its operations at all Malaysian airports and by the corresponding State for its operations at all the State's airports.

## **6. PENALTIES**

- 6.1 In the event that any appointed air transportation company in its conduct of repatriation flights fails to adhere to any of the conditions specified in paragraph 5 above, the following actions will be taken:
- (a) revocation of any repatriation flight approvals that have been granted; and/or
  - (b) the air transportation company shall be blacklisted.

## **7. HOW TO APPLY**

### **7.1 Ministry Of Foreign Affairs**

- 7.1.1 A State that wishes to organise repatriation flights to/from Malaysia shall send the request/application to the Ministry of Foreign Affairs (MOFA) for diplomatic clearance. In this regard, the State may submit its request to MOFA accompanied by the following information:
- (a) reason for repatriation;
  - (b) information on the State's nationals and other eligible persons to be repatriated (names, passport numbers, date of entry into Malaysia, etc.); and
  - (c) flight information (air transportation company/agent, flight designator, departure and arrival date and times, etc.)
- 7.1.2 MOFA will notify the Civil Aviation Authority of Malaysia (CAAM) and the Malaysian Aviation Commission (MAVCOM) of the request/application for information. In considering the request made by a State, MOFA may also reciprocally request for Malaysian nationals and other eligible persons to be repatriated from the corresponding State by utilising the same flight should there be a need to do so.
- 7.1.3 Upon obtaining approval from MOFA, the air transportation company/agent that has been appointed by the State shall then require the approval of CAAM and MAVCOM for the repatriation flight operations based on the flight information as provided to MOFA.

## 7.2 AeroFile

7.2.1 Each approved applicant shall apply via the AeroFile system (<https://www.mavcom.my/en/industry/aerofile-registration/>) at least two (2) working days before the date of the proposed flight and by attaching the following supporting documents:

- (a) a copy of the Diplomatic Note from MOFA, which shall be considered as receiving diplomatic clearance;
- (b) a copy of the AOC which has been issued by, or recognised by Malaysia or the corresponding State;
- (c) a Letter of Commitment to state that the air transportation company shall not embark or disembark additional passengers other than those stated in the passenger manifest **unless** a prior agreement between the Government of Malaysia and the corresponding State has been obtained to do so;
- (d) a complete passenger manifest (inbound or outbound or both, where applicable);
- (e) a copy of the aircraft's insurance;
- (f) a copy of landing and take-off slot approvals from the National Slot Coordination Malaysia (NSCM) for the said flight(s) to/from Malaysia; and
- (g) a copy of the aircraft's leasing agreement (if applicable).

7.2.2 In addition, the appointed air transportation company shall ensure that it does not have any outstanding dues for Air Navigation Facility Charges (ANFC) with CAAM, Passenger Service Charges (PSC) with the airport operator and Regulatory Services Charges (RSC) with MAVCOM. Should there be any outstanding dues, the applicant must settle all charges before its application can be processed.

7.2.3 Applications shall be processed after the appointed air transportation company fulfils all conditions as stipulated in paragraphs 5 and 7.

## 8. COMMUNICATION OF DECISION

8.1 Upon receipt of a complete application, CAAM and MAVCOM shall inform the applicant of their decision via the AeroFile system no later than two (2) days before the date of the proposed flight(s).

**9. APPLICATION**

9.1 This policy applies to all repatriation flight operations organised by ICAO Member States which are provided by Malaysian and foreign air operators.

**10. EFFECTIVE DATE**

10.1 This policy is effective from 1 September 2021.