



IATA Comments on Draft Bill 20060 on Regulations for Airline Crew under Influence of Alcohol

The International Air Transport Association (IATA) is a global trade association for airlines representing some 290 airline members and accounting for 82% of total global air traffic. Our members include airlines based in the Republic of Korea and major foreign airlines that operate services to/from the Republic of Korea.

IATA understands that the National Assembly of the Republic of Korea is currently seeking public opinion on a draft bill to require all carriers operating to the Republic of Korea, including foreign carriers, to ensure that crew members will not be assigned duties if they are under the influence of alcohol, narcotics or hallucinogens. IATA would like to submit the below comments to the National Assembly of the Republic of Korea for your kind consideration.

Ensuring that air travel remains a safe, secure and efficient mode of transport is a common objective for governments, aircraft operators and passengers. IATA and our member airlines recognize the importance of aviation safety and regard the safety of passengers as a top priority. Therefore, IATA is committed to supporting the National Assembly of the Republic of Korea and the Ministry of Land, Infrastructure and Transport (MOLIT) in promoting aviation safety in the Republic of Korea and ensuring that regulations on aviation safety are aligned with international standards and best practices.

All signatories to the Convention on International Civil Aviation (the Chicago Convention), including the Republic of Korea, have responsibilities to address the misuse of alcohol and psychoactive substances by aviation personnel, given the potential hazards that such misuse may pose to aviation safety. IATA notes that the International Civil Aviation Organization (ICAO) has been leading a global effort to ensure that these responsibilities are met and uniform standards are developed in order to mitigate negative impacts to the global aviation operating environment. Given its extensive expertise in this subject matter and the close collaboration with member states, IATA believes that ICAO remains the proper forum to address this issue. ICAO first addressed this issue in 1995, by issuing the Manual on the Prevention of Problematic Use of Substance in the Workplace (Doc 9654-AN/945) which established comprehensive guidance on workforce drug and alcohol testing. Further, in 2001, ICAO called for the harmonization of national drug and alcohol testing programs in ICAO Resolution A33-12. More recently, the United States has recommended that ICAO consider whether an international standard should be developed for post-accident testing and ICAO is currently collaboratively considering that request.

In this regard, IATA is concerned that the adoption of unilateral regulatory actions in the absence of coordination with ICAO and aviation authorities of other ICAO Member States would result in a confusing, complex, and haphazard regulatory regime as well as operational delays throughout the global aviation environment, which consists of over 100,000 daily flights, without any tangible enhancements to global aviation safety. Given the importance of the mitigation of alcohol and substance abuse for aviation safety, it is crucial that regulations be synchronized globally to ensure consistency across industry operators.

IATA opposes the proposed amendments to allow the application of sanctions on foreign airlines operating to the Republic of Korea under Article 105 (Suspension, etc. of Operation of Aircraft of Foreign Provider of International Air Transport Services) of the Aviation Safety Act ("the Act"), for violations under Article 57 (Restriction on Consumption or Use of Alcoholic Beverages, etc.) of the Act. In this regard, IATA wishes to highlight the need for regulations and associated sanctions to reflect the principle of proportionality and not create an unnecessary burden on airlines in the delivery of policy objectives. As such, IATA respectfully suggests that the National Assembly of the Republic of Korea and MOLIT take reference from the IATA Smart Regulation Methodology (see [Annex A](#)) and IATA would be happy to further extend our support by conducting a workshop on the Smart Regulation Initiative for the National Assembly of the Republic of Korea and/or MOLIT at your convenience.

For any questions or feedback, please contact Younkyung Kim at kimy@iata.org.

Annex A: IATA's Smart Regulation Methodology

Definition Statement

Smart regulation delivers clearly defined, measurable policy objectives in the least burdensome way. It is achieved through a transparent, objective, and consultative process.

Policy Design Principles

- Consistency and coherence – Regulations should be consistent with existing (and planned) rules and practices that are applicable to regulated activities so that there are no overlaps and contradictions (nationally or internationally). They should also be predictable and applied with clear oversight responsibility and without discrimination against those being regulated.
 - Proportionality – Regulations should be used only when their necessity is demonstrated and should be proportionate to the problems identified so that the costs of compliance are minimized by pursuing the most cost-effective solution.
 - Targeted at risk – Regulations should have specific and well-defined objectives that respond directly to the problems identified. Whenever appropriate, flexibility should be given to those being regulated to meet defined objectives.
 - Fair and non-distortive – Regulations should be applied fairly and not create discriminatory burdens on any group/s in particular.
 - Clarity and certainty – Audiences subject to regulatory compliance need to clearly know the regulations that will apply, what is expected of them, and have sufficient time to be able to comply with new requirements.
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Process Principles

- The objective of the regulation should be identified based on sound evidence and available alternatives must be considered to select the most appropriate solution.
- There should be an assessment of the impacts from the regulation.
- The drafting of the regulation should involve those who are potentially affected; the decision-making process should be transparent and objective.
- The process of developing the regulation should focus on reducing the compliance burden and allow for regular and systematic review (and subsequent modification, if needed) to ensure that the regulation is still appropriate.
- There should be clear procedures to respond to adjudications and appeals and to revise the regulation if necessary.