

# The impacts of the corona virus crisis on the civil aviation: The legal response of the economic effects

آثار أزمة فيروس كورونا على الطيران المدني:

الاستجابة القانونية للتداعيات الاقتصادية

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## الملخص:

تهدف هذه الدراسة إلى بحث الاستجابة القانونية للآثار الاقتصادية التي استحدثتها انتشار فيروس كورونا كوفيد- 19 على قطاع الطيران المدني العالمي و العربي، إذ تتوقع المنظمة الدولية للطيران المدني تراجع أعداد المسافرين جوا بنحو 1.5 مليار مسافر، وفقدان عائدات بقيمة 273 مليار دولار. مما فرض عدة شواغل قانونية على المسافرين الذين تضرروا من جراء الإغلاق و ألغيت رحلاتهم، و كذلك فرض تحديات قانونية لحماية شركات الطيران التي تظهر نتائج الدراسة أن الأزمة تهدد بإفلاس بعضها، و بينت النتائج أيضا أن مدة تعافي قطاع الطيران سوف تكون طويلة في ظل توقع الإحجام عن السفر، والارتفاع المتوقع في كلفة الطيران، مما يتطلب تدخلا حكومي الدعم تعافي قطاع الطيران في المدى المتوسط و بما يضمن الحماية القانونية لحقوق المسافرين و حماية شركات الطيران.

**الكلمات المفتاحية:** جائحة كورونا ، الطيران المدني، حماية المسافرين، مسؤولية شركات الطيران

## Abstract:

This study aims to discuss legal response of the economic effects that the spread of Corona-Covid-19 virus has had on the global and Arab civil aviation sector, as the IATA expects the number of passengers to decline by 1.5 billion, and the loss of revenues of \$ 273 billion. which imposed several legal concerns on passengers who were affected by the Lockdown and cancelled their flights, as well as imposed legal challenges to protect airlines, which show the results of the study that the crisis threatens to bankrupt some of them, and the results also showed that the recovery period of the aviation sector will be long under Anticipate the reluctance to travel, and the expected increase in the cost of aviation, which

requires government intervention to support the recovery of the aviation sector in the medium term and to ensure legal protection of the rights of passengers and the protection of airlines.

**Key words:** Corona pandemic, civil aviation, passenger protection, airline responsibility

## **Introduction:**

The output of the aviation sector in the world is about 2.7 trillion \$, equivalent to 3.6% of the world GDP, and the global aviation industry contributes to 65.5 million jobs worldwide, either directly or indirectly. Unlike the direct jobs that the air transport industry itself provides, the sector supports Millions of indirect jobs in global supply chains serving the industry. It also contributes to creating millions of jobs in the tourism sector, with an estimated 36.5 million jobs. On the other hand, the aviation sector supports international trade, transporting goods valued at about 6.0 trillion\$ annually.

In the Arab countries, air transport provides about 2.4 million direct and indirect jobs, representing about 3.3 % of the total employment in the region. In addition, the aviation industry in the region contributes about \$ 130 billion to economic activity, equivalent to about 4.4 % of the region GDP.

The aviation sector was greatly affected by the Covid-19 virus crisis, while the rapid spread of the epidemic remains, the declaration of a state of emergency in many countries to confront it, and the imposition of total or partial closings in countries of the world, which forced airlines around the world to suspend or reduce the number of flights significantly, Especially with regard to passengers transport flights, which threatens many of these companies with bankruptcy.

As a result of the virus outbreak, the theories of force majeure and emergency circumstances became dominant in the legal scene in contractual transactions and legal legislations to stop laws and be replaced by other laws in light of the application of the emergency law.

The main problematic presented by the study can be formulated as follows:

What are the legal challenges to the economic effects of the Corona Covid 19 pandemic on the civil aviation sector globally and Arably, and what are the scenarios for responding to legal concerns in light of possible recovery policies?

In order to take into account the specific situation of legal concerns, the research is based on the descriptive analytical approach, with the application of various statistical indicators that allow analyzing and measuring the impacts of the crisis on those countries.

## **1-The implications of the Corona virus crisis on the aviation sector**

Despite the precautionary measures taken by many countries, the Covid-19 virus spread widely throughout the globe on March 2020 .In the second half of March, the borders were closed and flights were stopped on a large scale in most countries of the world, and all Airlines has few flights to transport stranded passengers, which has increased the economic burden facing the aviation sector.

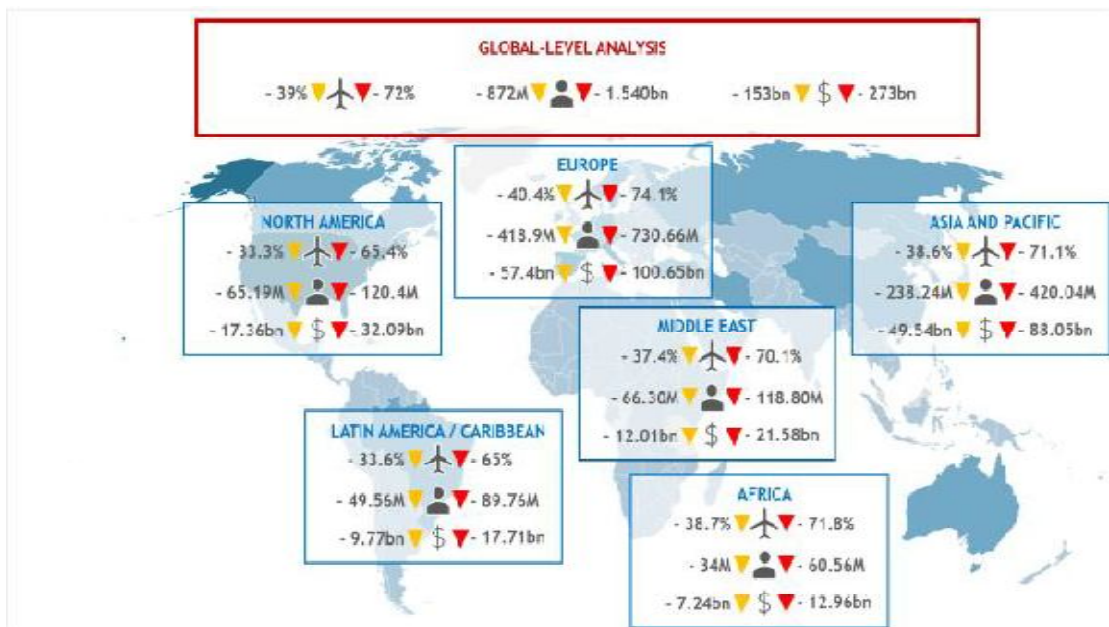
**1.1-The impacts of the crisis on the passengers' air transport**

At the level of expectations for the performance of the passengers air transport sector in 2020 and with a view to assessing the implications of the virus spread on passenger air transport, the International Civil Aviation Organization has estimated the potential effects of the spread of the virus according to three hypotheses and according to possible recovery that depend on the length of the virus's spread and the time needed to recover from its impacts.

The first hypothesis is a recovery path that takes the form of a curve (V), meaning that the world will witness a short period of Downturn followed by a rapid recovery at the end of May 2020, which represents the most optimistic hypothesis, while the second hypothesis is in a path characterized by the prolonged period of virus spread and gradual recovery Of its effects during the third quarter of the year according to the curve (U), the third hypothesis, which is the most pessimistic, is an extended path of economic stagnation according to the curve hypothesis (L).<sup>1</sup>Based on the above hypotheses, the organization expects:

- Passenger air traffic declined by 39 % for the optimistic hypothesis, and 72 % for the pessimistic hypothesis.
- The number of passengers carried by air decreased by 872 million passengers for the optimistic hypothesis, and 1,540 million passengers for the pessimistic hypothesis.
- Passenger air transport revenue decreased between \$ 153 billion for the optimistic hypothesis and 273 billion\$ for the pessimistic hypothesis,

**Graph ( N°1) .The possible effects of the spread of corona virus on the Air passenger transport industry worldwide during 2020**



Source: The International Civil Aviation Organization ICAO (2020), Economic Impacts of COVID-19 on Civil Aviation, ICAO, P: 19.

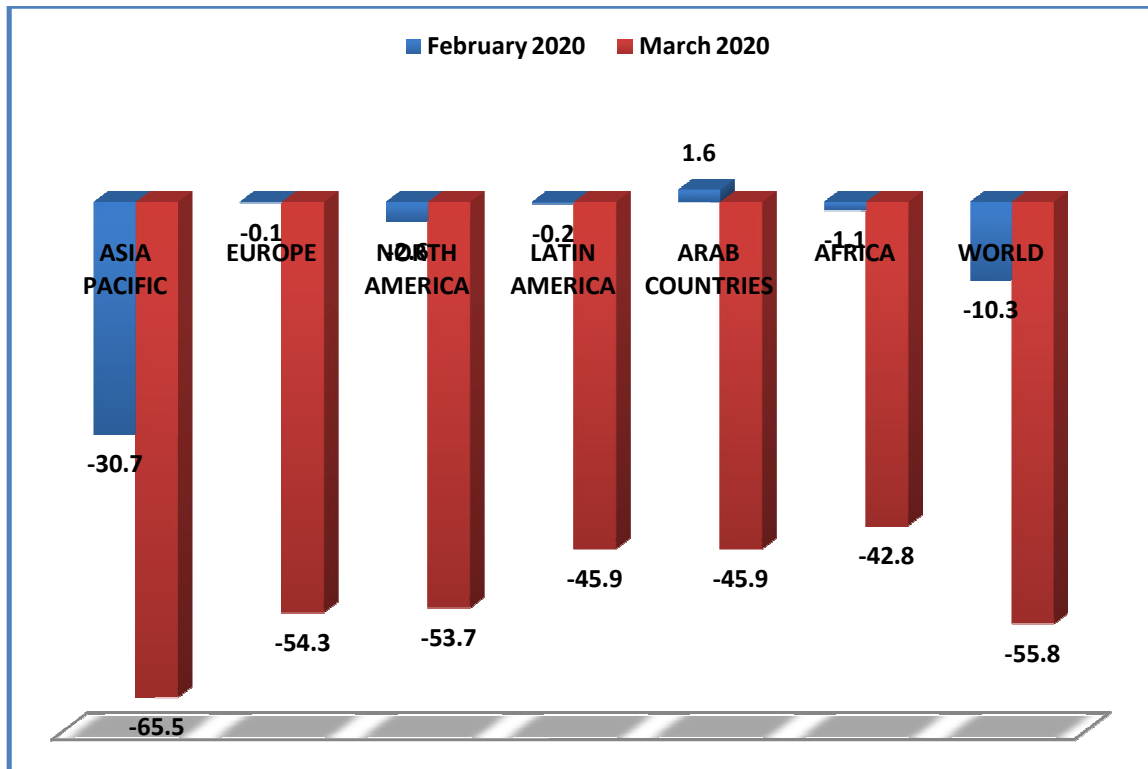
In this context, the negative repercussions of the Corona virus on the passenger air transport industry appeared clear during March of 2020, in light of the decrease in the total revenues of air passenger transport sharply at the global level, including domestic flights, as it decreased by 52.9% compared to March 2019. This was expected in light of the decline in these revenues during February 2020. The decline recorded during March is the largest recorded decrease in the level of revenue for passenger air transport since the events of the 11 Th, September 2001.<sup>2</sup>

Regarding the air transport of passengers through borders, revenues decreased by 55.8 % on March 2020 compared to the corresponding month of last year. This is mainly due to the large-scale closure of international borders, and travel restrictions imposed in many countries, revenues in all regions have sharply decline in this regard.

At the level of airlines in the Arab countries recorded a decrease of about 45.9 % in the number of international passengers on March 2020 compared to the corresponding month of the previous year.

The Arab countries were the only region that witnessed an increase in aviation sector revenues during the month of February and was also the only one globally to have recorded revenue growth in 2019.

**Gragh( N°2). The percentage of change in air passengers transport revenues at the regional level (%)**



Source: IATA (2020), IATA Monthly Statistics, IATA, on: [www.iata.org](http://www.iata.org)

## 1.2-The impacts of the crisis on the cargo transport

On the other hand, the impact of the crisis on the cargo air transport is relatively less than the passengers' air transport sector in light of the continuing cargo transport flights between countries of the world, especially in light of the urgent need to continue the flow of goods and medical devices supplies to fight the pandemic.

Nevertheless, data on March 2020 indicate that international trade traffic was affected by the spread of the COVID-19 pandemic, which was reflected in the movement of air freight of goods worldwide, which declined on March by 15.1% compared to March 2019.<sup>3</sup>

These developments deepened the scale of the crisis in the air cargo since November 2018 due to global trade tensions, especially between the United States of America and China (which exacerbated the decline in air cargo movement). This decline in Air Cargo has continued to the 12th consecutive month, and it is the longest continual decline since the global financial crisis in 2008.

The decline included most of the geographical regions in the world, while Asia and the Pacific region, Europe and North America, registering a decline of 18 % year on year basis. On the other hand, the decline in Africa was relatively limited, reaching 2.1 %, as a result of the decision to completely close the aviation market in that region later in March, compared to other places in the world.

It should also be noted that the continued outbreak of COVID-19 led to pressure on global supply chains as restrictions imposed on borders, and the closure of factories, and interruption of transportation networks resulted non-compliance with deadlines for supply. In March, the highest level of delay was achieved in global supply chains since 2004, due to prolonged factories closures.

The data also indicated that the volume of air cargo, reported by airlines in the Arab countries, decreased by 14.1% on year basis, after a growth of 4.3 % in February.

**Gragh( N°3) .Changes on Air cargo index by regions**



**Source: IATA (2020), Air Cargo Market Analysis: Air cargo plunges in March as COVID-19 spreads globally, IATA, P32.**

### 1.3-Responding to legal concerns worldwide to support the aviation sector

Globally Many companies operating in the sector face significant economic risks. The government's support for the aviation sector at this stage is necessary to prevent the bankruptcy of about 85% of these companies by the end of this year, according to expert Sector estimates.<sup>4</sup>

In this context, the estimates of the International Air Transport Association (IATA) show that international airlines need of more than 200 billion dollars to face the repercussions of the spread of the new Corona virus after several countries stopped flights. These developments led to huge losses for the shares of international airlines in light of a number of investors implementing sales waves for the shares of these companies.

In Britain, airlines have warned that they will not survive the consequences of the epidemic without full financial support from the government. For example, Virgin Atlantic airline announced cut 3,150 jobs in a plan to reduce costs in order to enable it to obtain support from the British government or private investors.<sup>5</sup>

In the United States of America, companies such as “American Airlines” and “Atlantic Airlines” have tended to adjust passenger transport planes so that they can be used to transport goods in a move that aims to overcome operational losses benefiting from low fuel prices and from the lower number of flight crews required to transport goods compared to Transporting passengers.<sup>6</sup>

This comes at a time when airlines employing about 750,000 people in the United States of America are facing severe difficulties threatening their survival, which prompted the US Senate to agree on the end of last March to support the American aviation sector by about \$ 85 billion, which is allocated Half of it to cover the salaries of 750 thousand employees.

In Italy, the country is studying the nationalization of the airline "Alitalia", which was facing financial difficulties even before the spread of the Corona virus, while the repercussions resulting from the virus accelerated the direction of the government to find an urgent solution and provide a financial rescue package of 600 million Euros to support the aviation sector, and the establishment of a New company managed by the Ministry of Economy and Finance holds the largest stake in the company "Alitalia".<sup>7</sup>

For its part, the German airline "Lufthansa" has implemented since the beginning of the crisis many measures to reduce costs, including the reassessment of all new jobs and their suspension or postponement to later date, and the granting of employees leave without pay, in addition to expanding options for part-time work in the context of Collective negotiation agreements. However, those policies did not work and the company announced that it incurred huge losses estimated at two million Euros every hour.<sup>8</sup>

This prompted the company to negotiate with the German government represented in the Economic Stabilization Fund for a \$ 10 billion bailout package. Pursuant to this deal, the company will obtain a guaranteed loan from the German government, and an increase in the capital by a share of the government in the capital of the company that qualifies it to vote in what is known as a "silent share" estimated at 25 % of the shares.

The company, with the aim of ensuring the continuity of the company in the future for the benefit of its customers and employees. In this regard, it is indicated that the German "Economic Stabilization Fund" is a government mechanism whereby government support is provided to support private companies facing financial difficulties within the framework of support packages, some of which end up the German government owning a share in the capital of these companies similar to what happened in the aftermath of the crisis Global Finance.

## **2- The impacts of the crisis on the Arab aviation sector**

The Corona virus crisis has cast a shadow over the Arab aviation sector, which contributes to important part in the gross domestic product in some countries, job opportunities, because of the strategic location of the Arab countries, and their linkages with global aviation routes.

### **2.1-The expected effects of the virus on airlines in the Arab countries**

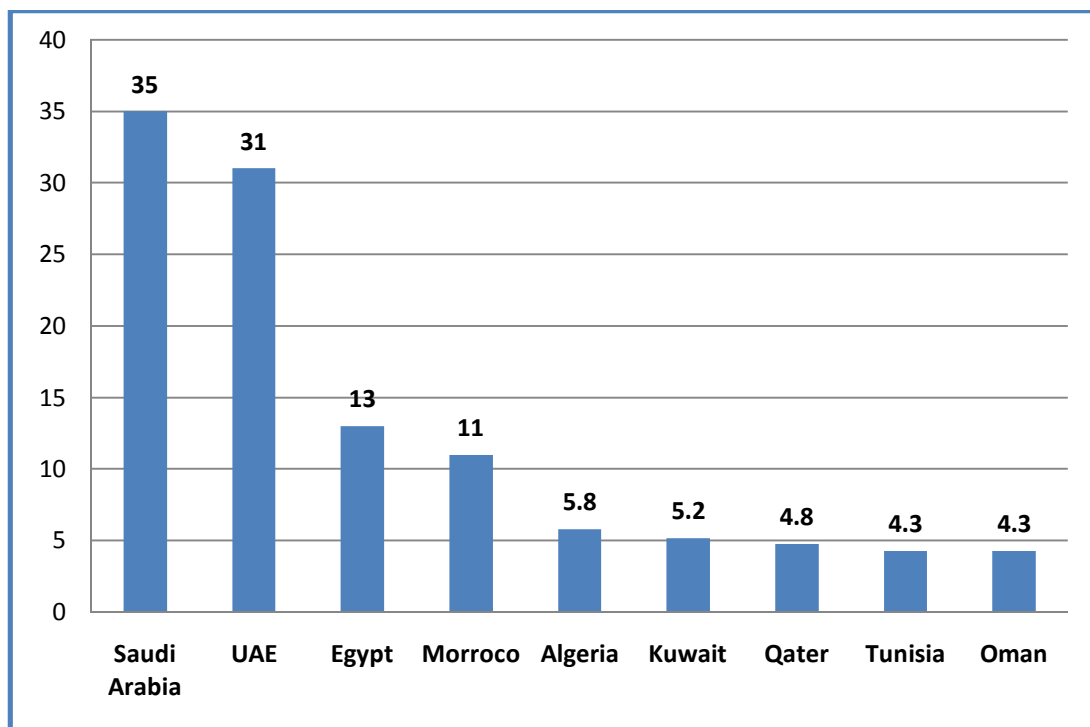
The companies operating in the sector witnessed a big operational challenges in light of the almost non-existence of air passengers, which caused the stop of revenues flow to Arab airlines.

In this context, the Arab Civil Aviation Organization (ACAO) indicated the difficult economic conditions facing these companies, which no matter how they try to reduce costs, will not survive the financial liquidity crisis without emergency support from the governments of the region to preserve their important economic role, and the continuity of air transport movement in a way that supports the process Economic recovery in the medium term.

In terms of the repercussions of the Covid-19 crisis on the Arab aviation sectors, the organization pay attention to the financial challenges resulting from the stoppage of aviation in the Arab countries due to the precautionary measures taken by the countries to fight the outbreak of the Corona pandemic, and directed its call to the countries of the region to provide appropriate financial packages for the sector.

Undoubtedly, the Covid-19 virus crisis affected the aviation sectors in a large number of Arab countries. Nevertheless, the impact seems to be much deeper with regard to three Arab countries in particular, including Egypt, which is the first country in the countries of the Middle East region, to start operating flights 88 years ago, specifically in 1932 with the establishment of the first national airline and the seventh company to be established. Worldwide.<sup>9</sup>

**Gragh( N°4 ).The expected decrease in the number of passengers in the Arab countries in 2020 (individual)**



Source:Prepared by researchers based on: The Arab Civil Aviation Organization ACAO (2020), Support for airlines in the region is necessary in light of the worsening corona implications, ACAO, on : <https://acao.org.ma/news.php?id=360>



Touat Othmane

Bilel Mecerhed

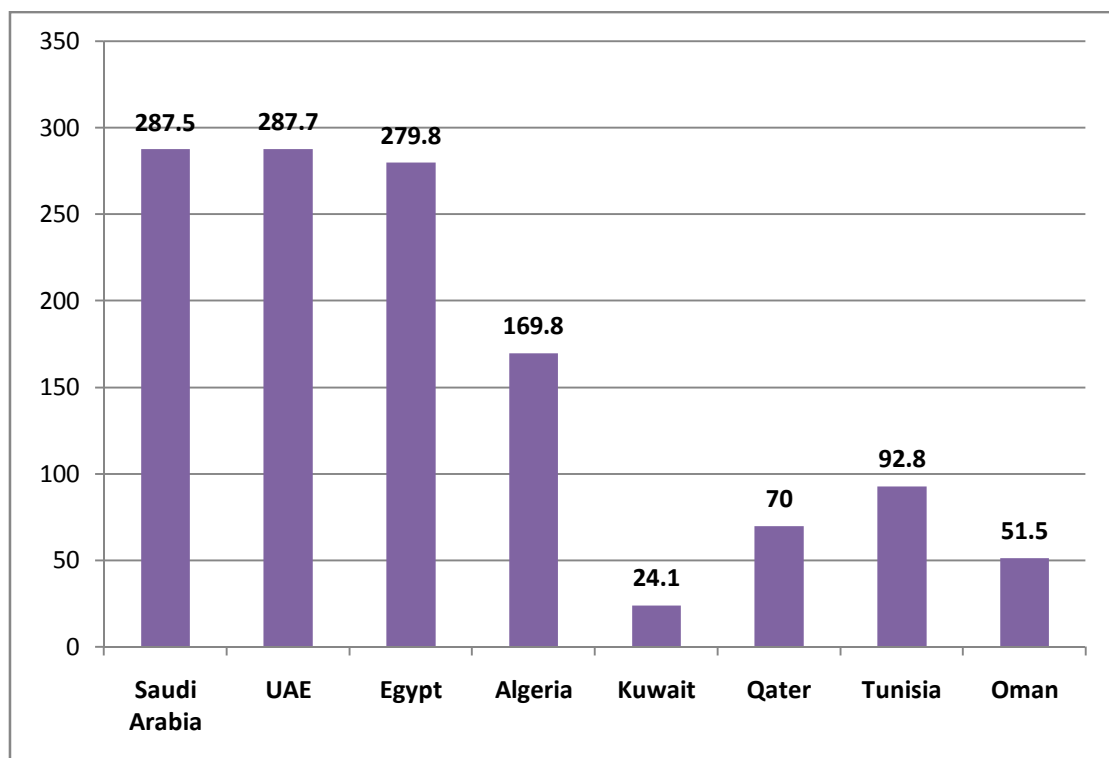
In addition to the United Arab Emirates, where the aviation industry has witnessed remarkable growth since the mid of 1980s, and its national carriers have become a strong competitor on the world level, which boosted expectations for the aviation sector to contribute about 45 % of the gross domestic product of the Emirate of Dubai in 2030.<sup>10</sup>

On the other hand, the aviation sector in Saudi Arabia occupies a distinguished position among the economic sectors that contribute to the gross domestic product in light of the influx of millions of travelers annually to the Kingdom to perform the worship of Hajj and Umrah.

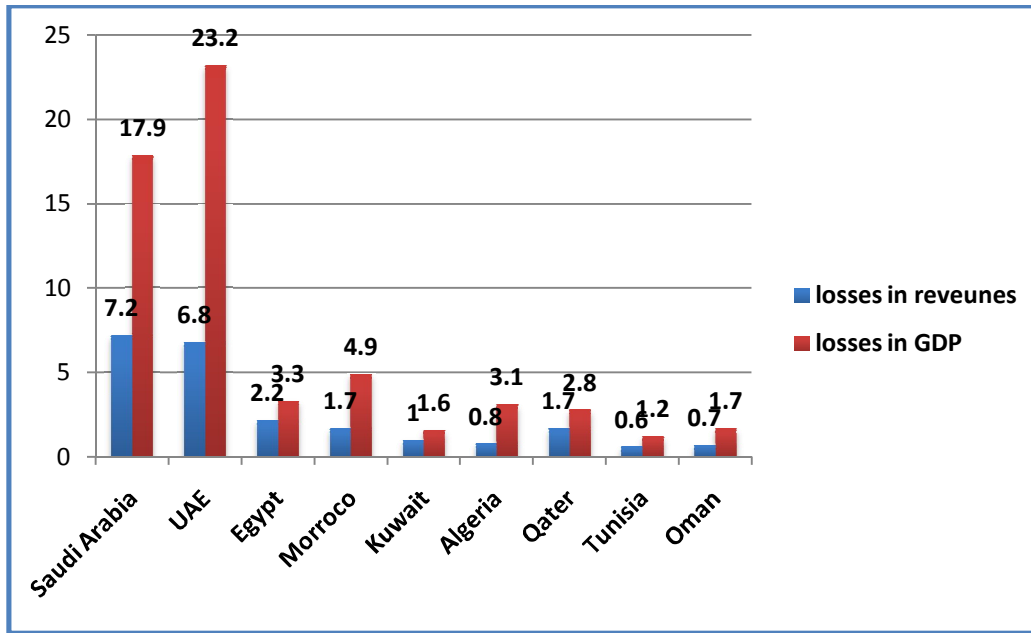
Based on the foregoing, the IATA expects a decrease in the number of passengers in nine Arab countries in which the aviation sectors play a prominent role including the UAE, Saudi Arabia, Egypt, Morocco, Kuwait, Algeria, Qatar, Tunisia, Oman (about 114 million passengers in 2020) Among them, the expected decrease in the number of passengers in three countries, including the UAE and Saudi Arabia, and Egypt, by 70 % of the total expected decrease in the number of passengers in the Arab countries.<sup>11</sup>

While the spread of the virus is expected to lead to an expected loss in the number of jobs in the aviation sector in these countries by about one million jobs, a decline in the sector's revenues by about 23 billion dollars, and a decrease in its contribution to the gross domestic product of the nine Arab economies mentioned above by about 60 billion dollars on 2020.

Gragh( N°5) . The expected jobs losses in thousands



Source: Prepared by researchers based on: The Arab Civil Aviation Organization ACAO (2020), Support for airlines in the region is necessary in light of the worsening corona implications, ACAO, on : <https://acao.org.ma/news.php?id=360>  
Gragh( N°6). Expected losses in aviation sector revenue and GDP in Billions USA dollars



Source: Prepared by researchers based on: The Arab Civil Aviation Organization ACAO (2020), Support for airlines in the region is necessary in light of the worsening corona implications, ACAO, on : <https://acao.org.ma/news.php?id=360>

## 2.2-Responding to legal concerns by Arab governments to support the aviation sector

In light of the emerging Corona virus crisis, Arab airlines have taken a number of measures since the beginning of the crisis towards reducing costs and mitigating the financial effects accompanying the crisis, in light of the large decrease recorded in their revenues, which affected the ability of these companies to cover costs, and threatening its continuity in light of the liquidity crisis it faces since the start of the epidemic globally.

In order to support the ability of these companies to overcome the aforementioned challenges, a number of Arab governments have provided financial support to airlines - most of which are state-owned - with the aim of compensating them for the severe decline in revenue and liquidity levels. In addition Arab governments granted some of airlines with a tax exemptions and postponing the payment of loans installments.

In Egypt, the Egyptian Cabinet coordinated between the Ministries of Petroleum, Mineral Resources, Tourism, Antiquities, and Civil Aviation regarding the controls and proposals for implementing the Aviation Incentive Program By reducing fees and costs for airports and aviation fuel. It was also agreed to present a new initiative to stimulate domestic tourism. Also, the Egyptian Presidency directed to provide support for the civil aviation sector with a grace period of two years. On the other hand, it is being studied that the Ministry of Finance will bear some of the burdens of the civil aviation sector to deal with the implications of the current circumstances.<sup>12</sup>

Touat Othmane

Bilel Mecerhed

In Morocco, with a view to reducing the impact of the Corona pandemic on the aviation sector and the attendant loss of jobs, the Moroccan government approved a draft law relating to "establishing a legal framework that allows travel, tourism, and air transport service providers for passengers to offset the sums owed to their customers in the form of a voucher that proposes a similar service Or equivalent, without any price increase.<sup>13</sup>

At the end of March 2020, the UAE announced the intention of the Dubai government to support the capital of the National airline Company of Dubai by injecting liquidity into the company to enable it to meet the challenges resulting from the emerging Corona virus.<sup>14</sup>

### 3-Responding to legal challenges through recovery policies

It is expected that the aviation sector, internationally and regionally, will witness profound challenges after the end of the Corona crisis, especially with regard to the air transport of passengers in light of the many economic consequences resulting from the spread of the virus, as well as the unprecedented transformations that the sector is expected to witness, as follows:

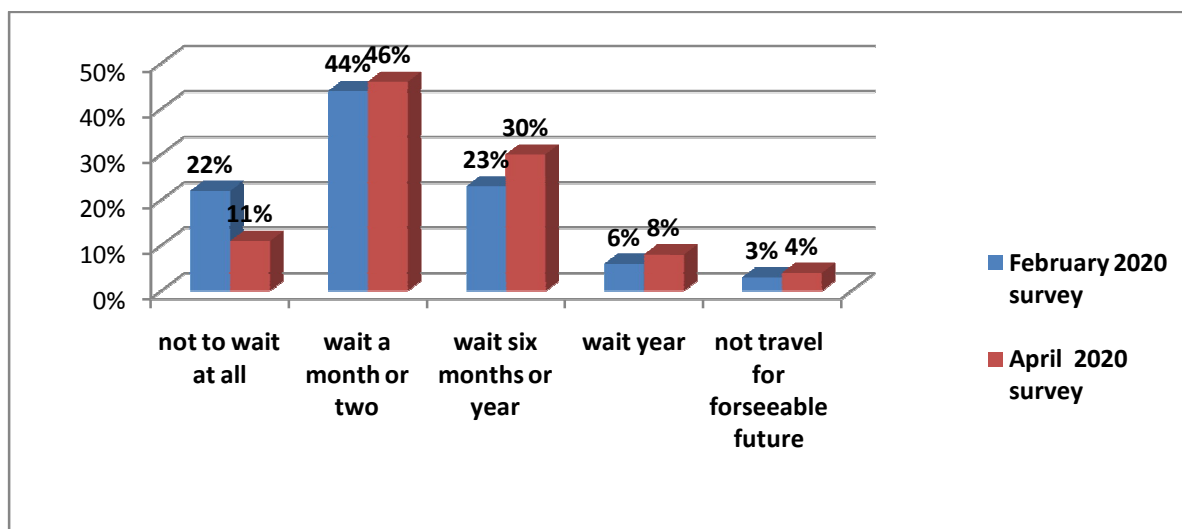
#### 3.1-Reluctance to travel and protection of passengers

Looking to the future, even when travel restrictions and closures are lifted, it is expected that consumers 'desire to travel by air will remain limited at first globally.

According to a poll conducted by the International Air Transport Association (IATA) in April 2020, 30 % of respondents indicated that they would wait about six months or so before traveling. And about 10 % of the respondents indicated that they had not traveled by air at least a one year before.

**Gragh( N°7).Result of traveler confidence survey for the expected period before taking**

**A decision to travel by air**



Source: IATA (2020), IATA Monthly Statistics, IATA, on: [www.iata.org](http://www.iata.org)

### **3.2-A Deep changes in the aviation industry**

It is expected that the aviation industry after the end of the Corona virus pandemic will differ radically from before, as the procedures used to travel before the spread of the Corona virus are now considered unsafe in light of the rapid spread of the virus.

In contrast to the efforts made by airlines before the crisis to increase the capacity of the aircraft as much as possible, it is now necessary to make a fundamental change in the method of travel used to maintain the health and safety of passengers in terms of travel procedures used within the airports or inside the aircraft itself, which will reduce The ability of airports and airplanes to receive the same number of passengers.

Many countries around the world have announced their tendency to radically change procedures inside airports, starting from not allowing any traveler to board the plane unless there is a certificate stating that the traveler is free of the Corona virus, passing through equipping the airports with cameras that indicate the body temperature, until the application of social distancing procedures. When completing travel procedures and on airplanes as well.

The major challenge facing the world's airports is that they are not equipped in terms of the availability of the huge areas necessary to implement the measures of social distancing properly, especially in the large airports that receive large numbers of travelers daily. In addition to the criticism leveled at these temperature-checking cameras for their ineffectiveness and usefulness in detecting people with the epidemic, which will lead to the continued fear of some travelers from air travel.

As for the health safety measures expected to be followed on the aircraft, it is to leave an empty space between the passengers to apply the principle of social separation between them by removing the middle seat. And focus on the procedures to periodically renew air in aircraft to reduce the spread of the virus among passengers. In addition to adopting all health methods in terms of sterilization and not dealing directly with passengers by the hospitality crew, to maintain the safety and health of these passengers.

With regard to the measures announced by the Arab countries, if travel around the world is permitted again, some Arab countries have announced similar measures. For example, Egypt announced that strict controls will be established once foreign tourism begins to return to Egypt, such as not allowing any tourist to board a plane and enter the country unless there is a certificate that is free of Corona virus, through a recent analysis of the virus that did not pass 48 hours ago. Arab airports have also started implementing new precautionary measures to prepare for receiving passengers in the wake of the end of the virus outbreak.

### **3.3-Expected rise in prices**

It is expected that the new procedures for air transport will be reflected in the cost of travel, which will increase the prices of flights tickets.

In this context, it is expected that the precautionary measures related to the measures of social distancing, and the consequences that some airlines remove the middle seat will reduce the maximum load factor to 62%, which is much less than the average "separation factor" in the industry, which unit costs increase dramatically by between 43 and 54 %, which will reflect heavily on ticket prices and lead to lower levels of demand for aviation.<sup>15</sup>

There fore, the International Air Transport Association does not support the procedures for removing the middle seat, but rather prefers the commitment of travelers to wear masks.

### **3.4-Reduced demand in light of the entrenching "telework culture"**

The emerging crisis of the Corona virus will result in a prolonged decline in the levels of travel demand over the coming years, whether due to reluctance to travel in light of worrying and fear of movement in these circumstances, or the expected increase in the cost of flight tickets, or even because of the large changes that have left their mark on patterns And labor markets around the world.

There is no doubt that the Corona virus crisis will be followed by major transformations that affect travel trends worldwide in light of the gradual consolidation of the "telework". Evidence for this is numerous, including the increase in teleworking levels by nearly 90 % over the past decade<sup>16</sup>, not to mention the increase Record in the levels of telework and teltraining under the Coronavirus crisis.

It is expected that many companies and governments in the aftermath of the crisis will lead to a significant reduction in travel expenses for their employees in light of the possibility of holding many telemeetings and teleconferences. This will greatly reflect the demand for travel for business, training and contract deals.

The same is confirmed by the estimates of the International Labor Organization, which indicate some future transformations that are expected to witness in the labor markets, which will reflect negatively on the global aviation sector in the aftermath of the Corona virus crisis.

Businessmen make up about 12 % of aircraft seats and contribute about 75 % to the airline's annual profit.<sup>17</sup>And in the event that these people prefer to rely on and in the mechanisms of telework and teltraining for them and their employees, the job market in the aviation and travel industry will shrink dramatically during the coming years.

### **3.5-The challenge of digital transitions**

On the other hand, the aviation sector is facing other challenges as a result of the digital transformations that would lead to the widespread abolition of jobs in the sector and its support sectors. The procedures for automating reservations and ending passenger boarding operations electronically, and carrying out baggage and cargo handling works through robots and air freight of some goods through drones are all transformations that will affect the traditional business models of airlines and will pose significant challenges to them. Their profitability levels and will force them to significantly cut future employment.

## Conclusion:

The aviation sector recovery is an essential pillar to ensure a smooth recovery of economic activities in the wake of the end of the emerging Corona virus crisis, in light of the governments' need to ensure the continued flow of international trade and the movements of individuals and tourists those support levels of output and employment.

It is expected that the recovery of the Arab aviation sector from the repercussions of the emerging corona virus crisis will be long and may require at least three years. In this context, it is important that the sector's recovery policies in the medium term should focus on the following themes:

1. Ensure the provision of the necessary credit and support liquidity of airlines

It is appropriate for governments of the region to intervene urgently to alleviate the financial burdens faced by airlines, whether by granting them access to easy lines of credit and facilities to support liquidity, as the IATA data indicates that the levels of liquidity available in most airlines around the world do not enable them. On average, it only covers its expenses for no more than three months, at the latest.

Available liquidity levels vary from one company to another according to their financial positions, but in general the recent repercussions require urgent support for the credit and liquidity lines of these companies to avoid the bankruptcy of these companies.

2. Reducing financial burdens on airlines to save airlines from bankruptcy

It is of great importance that Arab governments seek to support airlines by reducing the financial burdens imposed on them, whether by postponing the payment of the due loans, or postponing payments of it, or bearing full or part of the wages of their employees so that they can exceed this period without having to resort to large layoffs.

3. Stimulating restructuring, rationalization and merger laws to protect airlines

In light of the pressures that Arab airlines are currently experiencing and the future challenges they face in the post-Corona world, these checks should adopt broad programs to reduce and rationalize expenditures, exempt only the expenditures necessary to restore operational operations in the medium term in order to maintain their profitability. Further, merger options may be among the options available for Arab airlines to promote its revenues and ability to overcome the financial difficulties that will characterize the next stage.

4. New laws to encouraging low-cost and domestic flight

There is a good opportunity for Arab countries to benefit from encouraging airlines to reduce the cost whose activities have witnessed during the past years a significant growth in a number of countries in the region, registering an increase of 9.3 % in 2019, which helped to increase their share of the total seating capacity in the countries of the region from 14.9 % in 2018 to 16.5 % in 2019.

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