



THE INCOMPRESSIBLE POSITION OF THE SPANISH GOVERNMENT REGARDING THE USE OF MASKS ON BOARD

Spain is the only country in the European Union that continues to require the use of a mask during flights that take off or land in our country. Our government's position is incomprehensible and delays the recovery of our industry.

It is important to remember that, since the beginning of the Covid19 pandemic, the mandatory use of masks in open and closed spaces was adopted globally with the aim of trying to reduce the spread of the virus. This decision was based on the opinion of experts, they considered that this measure was the most appropriate and effective option to prevent contagion and thus ensure a lower rate of transmission of the disease.

After the infection's rate lowered, due to the increase of vaccinated people, governments began to gradually loosen up the use of masks. That's why in June 2021 the Spanish Government decided to abolish the mandatory use of outdoors mask requirement¹. Later, in April 2022, they also lifted this restriction indoors, with some exceptions like all related to the health field and public transport services, including the aerial, where its use continued to be imperative². These decisions, which were received positively, were in accordance with the epidemiological situation at each moment³.

From that point on until now in Spain the obligation to use masks in air transport has not been modified, unlike the rest of the countries in the world have done. Thus, it is frequent, when traveling through any airport, to observe that the passengers traveling to or from our country are the only required to wear masks.

We must remember that the global withdrawal of the obligation to use the mask on board is due to the control achieved of the epidemiological situation derived from the mass vaccination of the population. In Spain we are currently at 85.8% of vaccination with complete guideline-, which has made it possible to reduce the impact of Covid19 at present to a minimum.

With regard to the European Union, on May 11, 2022, the European Aviation Safety Agency and the European Center for Disease Prevention and Control⁴ withdrew the recommendation to wear a mask on board as a preventive measure. In response, all the countries of the Union have gradually withdrawn this obligation, with the exception of ours.

For us, the reasons behind this outdated regulation are incomprehensible, as we will explain in the following paragraphs.

First off, according to the criteria set by the Government, and as previously stated, there is an epidemiological situation that should favor the elimination of the mandatory use of masks, given that a higher vaccination rate has been achieved in 2022 than the one existing in 2021 when the measures in our country were relaxed.

¹ Royal Decree-Law 13/2021, of 24 June, amending Law 2/2021, of 29 March, on urgent prevention, containment and coordination measures to deal with the health crisis caused by COVID-19.

² Royal decree 286/2022, of 19 April, by which modifies the obligatory nature of the use of masks during the situation of sanitary crisis caused by the COVID-19.

³ According to the legislator himself, the effectiveness of the vaccines had generated 'an important change in the epidemiology of COVID-19 in our country' and the measures were adjusted 'to the principles of necessity and efficacy', pursuing a clear purpose: 'the adequacy of the use of masks to the favorable evolution of the current epidemiological situation'. At that time the vaccination rate with the full schedule was 79.4%. ([Data published by the Ministry of Health](#)).

⁴ In this regard, see the statement issued by EASA and ECDC, dated May 11, 2022, available, among others, in the following [link](#).

Secondly, as the airlines have been defending since the beginning of the Pandemic, the High Efficiency Particulate Air (HEPA) filters with which the aircraft are equipped have proven their effectiveness against Covid19.

Finally, because a true recovery from the Pandemic will only be achieved by adopting agreed and harmonized measures by the different governments, as has been made clear in the last 3 years and as reflected by ICAO, which indicated that "The harmonization of procedures globally and regionally is critical to strengthening the confidence of the public, including the aviation user, in air transport". In light of this situation, numerous groups and companies in the industry have denounced the immobility of the Government, explaining that it fosters a competitive distortion and favors travel to other foreign destinations, while harming Spain, where passengers are forced to carry the mask for hours onboard.

On the other hand, the wrong message is being sent that the health situation in our country is worse and more insecure than that of the rest of the countries, thus hindering, once again, the economic recovery of the sector.

Last but not least, the anomaly that airline personnel have to act as health police officers continues to be extended, with all the problems that this entails.



All of the above, inevitably translates into a drag on tourism in Spain –a key sector in the wealth and development of our country–, and leads us to wonder what has led the Government to decide to take action on a matter so sensitive and so important.

PionAirLaw joins the reactions against the Government's immobility on this issue, and we request that the Spanish legislation be modified, standardizing it to the European situation, as soon as possible.



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⁵ In this regard, see Recommendation 4 of the ICAO Council Aviation Recovery Task Force (CART) Report of 8 June 2020, available [here](#).