



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Transport, Infrastructure and Communities

EVIDENCE

NUMBER 008

Monday, March 21, 2022

Chair: Mr. Peter Schiefke



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• (1105)

[*Translation*]

The Chair (Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.)): Good morning. Welcome to the eighth meeting of the Standing Committee on Transport, Infrastructure and Communities.

Today's meeting is taking place in a hybrid format, pursuant to the House Order of Thursday, November 25, 2021. Members are attending in person in the room and remotely using the Zoom application.

I would like to take this opportunity to remind all participants of this meeting that screenshots or taking photos of your screen is not permitted.

[*English*]

Given the ongoing pandemic situation, and in light of the recommendations from public health authorities as well as the directive of the Board of Internal Economy on January 28, 2022, to remain healthy and safe, the following is recommended for all those attending the meeting in person.

Anyone with symptoms should participate by Zoom and not attend this meeting in person. Everyone must maintain two-metre physical distancing, whether seated or standing. Everyone must wear a non-medical mask when circulating in the room. It is recommended in the strongest possible terms that members wear their mask at all times, including when seated. Non-medical masks, which provide better clarity over cloth masks, are available in the room. Everyone present must maintain proper hand hygiene by using the hand sanitizer at the room entrance. Committee rooms are cleaned before and after each meeting. To maintain this, everyone is encouraged to clean surfaces such as the desk, the chair and the microphone with the disinfectant wipes provided when vacating or taking their seat.

As the chair, I will be enforcing these measures for the duration of the meeting, and I thank members in advance for their co-operation.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, March 3, 2022, the committee is meeting to study Canada's preparedness to respond to Russian threats to Canadian waters, ports and airspace.

Appearing before the committee today, we have the Honourable Omar Alhabra, Minister of Transport, as well as the deputy minister, Michael Keenan. They will be appearing in the first half of today's meeting.

In the second half of today's meeting, we will have with us, from the Department of Transport, Mr. Marc-Yves Bertin, director general, marine policy; Julie Gascon, director general, marine safety and security; and Nicholas Robinson, director general, civil aviation. From Nav Canada, we will have Ben Girard, vice-president and chief of operations, and Mr. Jonathan Bagg, director, stakeholder and industry relations.

Witnesses, thank you for appearing before our committee today.

Minister, it is always a pleasure to have you here to answer our questions. It's good to see you this morning. I know that our members are eagerly looking forward to asking you questions.

With that in mind, Minister, I will turn the mike over to you for your opening remarks.

Hon. Omar Alhabra (Minister of Transport): Good morning. Thank you very much, Mr. Chair, and thank you, colleagues, for inviting me to come back and meet with you once again.

I want to begin by acknowledging that I am joining you from the traditional territory of the Algonquin and Anishinabe people.

I'm pleased to be joined by, as you mentioned, Mr. Chair, Michael Keenan, the deputy minister of transport; Julie Gascon, director general of marine safety and security; Marc-Yves Bertin, director general of marine policy; and Nicholas Robinson, director general of civil aviation.

Mr. Chair, let me start out by saying that Russia must be held accountable for its aggression against Ukraine.

[*Translation*]

Russia must be held accountable for its actions.

[*English*]

In response to President Putin's invasion of Ukraine, the government has taken strong and decisive action. Today I'll be speaking about measures that Canada has taken to restrict and respond to Russian aircraft in Canadian waters, ports and airspace.

As Minister of Transport, I am dedicated to making Canada's transportation system safer and more secure. This includes during times of crisis, as we are witnessing with Russia's attacks on Ukraine. Canadians are outraged by these acts of aggression. This violation of Ukraine's independence and sovereignty has caused unnecessary loss of life, a massive refugee displacement and incredible hardship for the Ukrainian people. Canada stands with Ukraine and will continue to do what is necessary to respond to Russia's unprovoked and unjustifiable attacks on Ukraine.

• (1110)

[*Translation*]

We will continue to support Ukraine.

[*English*]

On February 27 we announced the closure of Canada's territorial airspace to all Russian aircraft. On March 16 we also announced the closure of Canada's territorial airspace to all Belarusian aircraft. This means that we prohibited the operation of Russian- or Belarusian-owned, -chartered or -operated aircraft over Canada, including in the airspace above Canada's territorial waters.

A few days after our announcement, the United States followed suit and closed its airspace to Russia, which essentially rendered trans-Atlantic service by Russian airlines non-viable. As of today, approximately 40 countries have suspended Russian air access.

I want to take a moment to highlight some developments that occurred since these measures were implemented. On the same day that Canada closed its territorial airspace to Russian aircraft, Russian Aeroflot flight 111 entered Canadian airspace while en route from Miami to Moscow. Just a few days after that, a private aircraft carrying two Russian nationals landed in Yellowknife. While the investigation of Aeroflot is ongoing, Transport Canada's investigation found that the aircraft that landed in Yellowknife operated against restrictions, and \$24,000 in fines were then issued to those responsible.

In addition to these incidents, just before our notice to airmen, or NOTAM, came into force on February 27, a Russian-operated Antonov cargo plane landed at Toronto Pearson. The aircraft has been grounded and prohibited from departing due to the ban on Russian-owned aircraft in Canadian airspace, as it would be in violation of the NOTAM.

These incidents are taken extremely seriously. We will not hesitate to take immediate enforcement action should further incidents of non-compliance with the restrictions occur.

I also announced that we banned Russian-owned or -registered vessels in Canadian internal waters and at our ports. As with our airspace restrictions, we will not hesitate to enforce any breaches of these measures.

In addition, we've strongly condemned Russia's actions at the International Civil Aviation Organization and the International Maritime Organization. We will continue to call out any actions that are not in line with international obligations.

In conclusion, by closing our airspace, ports and waters to Russian- and Belarusian-owned and -controlled aircraft and Russian-

owned or -controlled vessels, we have acted quickly to find ways to hold Russia accountable. We have already shown that we will take swift action to punish those who violate these measures.

Beyond action against Russia and Belarus, we are also taking measures to support Ukraine. We have developed a memorandum of understanding with Ukraine to recognize their certificates of competency issued in accordance with the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers. This will permit a Ukrainian seafarer with a Canadian work permit to serve on board a Canadian-flagged vessel.

We will continue to stand with Ukraine.

I'd like to thank the committee for its ongoing input on transportation issues. I look forward to continuing our work together.

With that, Mr. Chair, I'm concluding my opening remarks, and I look forward to the committee's questions.

Thank you.

The Chair: Thank you very much, Minister.

Our first round of questions will begin with Ms. Lantsman.

Ms. Lantsman, the floor is yours. You have six minutes.

Ms. Melissa Lantsman (Thornhill, CPC): Hi, Minister. Thank you for joining us and thank you to your officials for making the time. I commend you on the swift measures around our airspace.

I know that my colleagues will talk about things that are related to physical security. I wanted to spend some time talking about cybersecurity threats to our critical infrastructure.

Experts have said that Russia will launch cyber-attacks against Canadian, American and European financial institutions because of our response. Do you think those threats could be extended to our transportation infrastructure, particularly our critical port infrastructure?

Hon. Omar Alhabra: Transport Canada is aware of the serious threat that Russia could pose to our cybersecurity. Transport Canada has been working closely with Public Safety, which is the lead federal department responsible for enhancing the resilience of Canada's critical infrastructure against ongoing and emerging threats through its national strategy, an action plan for cybersecurity, so absolutely, we are also collaborating with ports, with airports and with other stakeholders on ensuring that they all have the plans and the support they need to strengthen and enhance their cybersecurity.

Ms. Melissa Lantsman: Minister, have you engaged the department in the last 26 days since the Russian aggression began in Ukraine—this time—on any specific measures around enhancing cybersecurity, whether it be at our airports or our ports or on any critical transportation infrastructure in Canada?

• (1115)

Hon. Omar Alghabra: Yes, we are engaged with transportation institutions, including airports, ports and others—including, by the way, Transport Canada itself—in ensuring that our safeguards and our security, including cybersecurity, are maintained and prepared for current and emerging threats.

Ms. Melissa Lantsman: Minister, the limited studies that exist indicate that ransomware attacks in the transport industry in North America, not just in Canada—there was no specific data that I was able to find on Canada—increased by 186%. That's just one of the aspects of cyber-attacks. That was between June 2020 and June 2021. We know that since then there have been ransomware attacks on systems in the GTA, where you and I are from.

I know that Canada is falling behind its peers on cybersecurity and investment in cybersecurity. Is that a concern for the protection of our infrastructure? What's the department advocating for as part of the limited funding that's available—in comparison to our allies—for cybersecurity?

Hon. Omar Alghabra: I agree, and I repeat, that the increased risk to our cybersecurity is certainly a concern of ours. We've been working collaboratively, not only with Public Safety but also with the Communications Security Establishment, the CSE, and our partners. We are regularly sharing and distributing communications and guidance issued by the Communications Security Establishment with ports, airports and other institutions. We are all monitoring it.

Undoubtedly, the risks continue to evolve and increase, and that's why we want to make sure that all critical transportation infrastructure and institutions are prepared and ready.

Ms. Melissa Lantsman: Is there a standard, Minister, or regulatory requirement about how much time, money or resources are dedicated to cybersecurity in any one of the critical transportation infrastructure networks under your purview?

Hon. Omar Alghabra: We regularly assess the cybersecurity plans of the institutions in the critical infrastructure of the transportation sector. We assess them; we evaluate them, and we provide feedback to institutions, so, yes, we act as a resource for our critical infrastructure, to make sure they have the highest standards of protection against any potential threats.

Ms. Melissa Lantsman: Is there a requirement—a legislative requirement or a regulatory requirement—for those under your purview to spend a certain amount of money or provide a certain amount of training or take this more seriously, given the increased threat and potential threat from foreign actors?

Hon. Omar Alghabra: I'm not aware of a requirement to dedicate a percentage of spending on security, whether it's cyber or otherwise. Having said that, it is important that we assess and evaluate ongoing plans that institutions have. If the committee wants to study the current standards and offer recommendations, we would be more than happy to support that study and work with it on that.

The Chair: Thank you, Ms. Lantsman.

The next six minutes go to Mr. Iacono.

Mr. Iacono, the floor is yours.

[*Translation*]

Mr. Angelo Iacono (Alfred-Pellan, Lib.): Thank you, Mr. Chair.

Good morning to you, Minister, and to the officials joining you.

I want to start by commending you, Minister, for all your efforts related to the crisis in Ukraine.

Other than the fines you talked about in your opening statement, what penalties apply if a Russian aircraft violates the current airspace restriction?

• (1120)

Hon. Omar Alghabra: I want to thank the honourable member for his question.

[*English*]

In accordance with the Canadian aviation regulations, Transport Canada can issue administrative monetary penalties, or fines, for incidents of non-compliance with the NOTAM. As I mentioned in my opening remarks, for that investigation that occurred with the chartered private jet, we imposed a significant amount in terms of financial fines, so corporations that are convicted of violations of airspace restrictions can be subjected to a fine of up to \$15,000.

[*Translation*]

Mr. Angelo Iacono: Thank you, Minister.

What happens if an airline doesn't pay the fine imposed? What steps does Canada take in that case?

[*English*]

Hon. Omar Alghabra: Operators who do not comply with Canadian rules, including payment of fines, could be subject to consequences. Some of those consequences could go as far as rejecting their permits to land in Canadian ports or airports, or to fly over Canadian airspace.

There are severe consequences to those operators who do not comply with Canadian rules.

[*Translation*]

Mr. Angelo Iacono: Thank you, Minister.

How does Canada respond when an aircraft enters its airspace but doesn't land on Canadian soil?

[*English*]

Hon. Omar Alghabra: As is happening right now... I mentioned the Russian Aeroflot flight 111. There's an ongoing investigation. That's what will happen under normal circumstances.

If a flight does not land but violates the rules, Transport Canada will initiate an investigation. We'll do our best to collect evidence and testimonies and understand what happened. Based on the findings of that investigation, Transport Canada will make decisions about consequences, including the imposition of fines or other measures.

[Translation]

Mr. Angelo Iacono: Thank you.

Minister, which other countries have put similar restrictions in place?

[English]

Hon. Omar Alhabra: As I said in my opening remarks, there are around 40 countries. I can go through some of them if you want. Here's the list that I have in front of me: Albania, Austria, Belgium, Bermuda, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania.... I could go on, Mr. Chair.

There is a long list of countries here that we'd be happy to table with the committee.

[Translation]

Mr. Angelo Iacono: Thank you, Minister.

What retaliatory measures has Russia taken, if any?

[English]

Hon. Omar Alhabra: Yes. Russia ended up banning the operation of several countries' flights. We understand that Canada is on that list. It has retaliated against Canadian operators.

Mr. Angelo Iacono: Thank you, Mr. Minister.

• (1125)

[Translation]

Roughly how many flights from Russia used to enter Canadian airspace?

[English]

Hon. Omar Alhabra: There were many flights, based on our assessment, that used to cross Canadian airspace. It was between 80 to 140 flights a week. The majority of them did not land in Canada, but they typically flew through Canadian airspace on their way to other destinations. That is a significant number of flights that are now no longer able to cross.

[Translation]

Mr. Angelo Iacono: Thank you, Minister.

The Chair: Thank you, Mr. Iacono.

Mr. Barsalou-Duval, you have six minutes.

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): Thank you, Mr. Chair.

Good morning, Minister. Thank you for being here today.

In your opening statement, you mentioned a couple of high-profile cases involving aircraft that had entered Canadian airspace after the restriction was put in place [*Technical difficulty—Editor*].

Other than the cases reported in the news, did any other craft violate the restrictions?

[English]

Hon. Omar Alhabra: There have not been any reported violations of the rules, other than the ones I mentioned in my opening remarks.

[Translation]

Mr. Xavier Barsalou-Duval: Thank you, Minister.

I want to better understand what happened exactly. I gather that an aircraft wasn't able to make it to its destination and had to land in Yellowknife. While I may not be entirely familiar with standard procedure, it doesn't strike me as unusual to stop an aircraft not authorized to be in our airspace and ask it to land. However, the Aeroflot flight was able to continue on its way. I'd like to know why that is.

[English]

Hon. Omar Alhabra: Thank you, Mr. Chair.

The Aeroflot flight 111 that I referred to was coming from the south, I think Miami, and was heading to Moscow in Russia. It typically, under normal circumstances, would be crossing Canadian airspace. Nav Canada issued a warning, but the pilot claimed humanitarian reasons, so Nav Canada permitted that pilot.

We have looked into it. We are now are investigating how it happened and why it happened. Action will be taken. This was not according to the rules. It was not according to the notice to airmen that was issued by our government. That's why it never happened again. I had conversations with Nav Canada about how that incident happened.

[Translation]

Mr. Xavier Barsalou-Duval: Thank you.

If I understand correctly, then, when a Russian airplane chooses to break the rules and fly over Canada, all the pilot has to do is say that the aircraft is on a humanitarian mission.

Does Canada check whether that is true or not?

[English]

Hon. Omar Alhabra: I understand that Nav Canada will be attending the second half of this committee. I'm sure they will be able to answer the committee member's questions about those rules.

I just want to be clear that the notice to airmen issued in response to the Russian aggression against Ukraine did not include any exemptions for humanitarian or any other purpose. That's why there's an ongoing investigation about what happened and how it happened.

I have had conversations with Nav Canada about this. I know that you will be asking them questions today. One thing I can say is that it has never happened again, and I am confident that it will never happen again.

• (1130)

[*Translation*]

Mr. Xavier Barsalou-Duval: Thank you.

Many cybersecurity experts have expressed concern over attacks against our strategic transportation infrastructure. According to various media reports, it is generally recognized that most of the attacks against our infrastructure come from Russia or China.

Since Canada closed its airspace and waters to Russian aircraft and vessels, has any of Canada's strategic transportation infrastructure been the target of an attack?

[*English*]

Hon. Omar Alghabra: Mr. Chair, as I explained earlier in answer to a question, Transport Canada is working with Public Safety, with the Communications Security Establishment and with our partners in the critical transportation infrastructure field to ensure that they are prepared and that their cybersecurity is enhanced and ready for ongoing and potential threats to our establishments. We take the cybersecurity of our infrastructure extremely seriously. We're working with our partners to ensure that they are ready and prepared.

[*Translation*]

Mr. Xavier Barsalou-Duval: Thank you, Minister.

Are you unable to answer the question because you don't know how many attacks there were or because you aren't notified when they occur?

[*English*]

The Chair: Could we have a short response, please, Minister?

Hon. Omar Alghabra: Mr. Chair, we typically avoid talking about operational issues in public, to ensure that our partners are operating safely and securely.

I can assure you that if there were any incidents worthy of public reports, the committee members and Canadians would know about them, but there are also operational reasons why we cannot talk about the preparation plan and what is happening right now.

The Chair: Thank you very much, Minister.

The next round of questioning goes to Mr. Bachrach.

Mr. Bachrach, the floor is yours. You have six minutes.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair.

It's good to see you again, Minister. Thanks for engaging with the committee on this important topic.

My first question is on the reciprocal ban that Russia has placed on Canadian flights in its airspace. I am wondering if you know what impact this is having on Canadian flights, particularly those to east and central Asia, and if you've had conversations with carriers like Air Canada about the impact of that reciprocal ban.

Hon. Omar Alghabra: Indeed, it has had an impact on Canadian flights that are heading towards central Asia or east Asia, namely, Korea and India. Certainly we've had conversations with Cana-

dian operators, including Air Canada, and they have had to reroute all of their flights that typically would fly over Russia.

For example, direct flights to India are now going through Europe, namely, Ireland. Yes, that is adding a little bit of extra time and extra cost, but I know that both operators and travellers understand what's at stake. I want to thank them for their patience and their collaboration.

Mr. Taylor Bachrach: The Safer Skies Forum is going to be held later this month. I'm wondering if you will be participating and, if so, what Canada's contribution will be to ensuring safe commercial aviation in Eastern Europe.

Hon. Omar Alghabra: The Safer Skies initiative was born out of the unspeakable tragedy that happened to flight PS752, which was shot down by the Iranian military. Canada is now a world leader in enhancing civil aviation security. We've been working, along with our partners at the International Civil Aviation Organization, ICAO, and others.

We have put in place measures to report potential risks and threats to civil aviation. To directly answer the question, at the beginning of and prior to the start of the invasion, given the intelligence and the information we had, we actually imposed a NOTAM over the territory of Ukraine to ensure that civil aviation operators were aware of the risk of flying over there.

• (1135)

Mr. Taylor Bachrach: Minister, that's a good segue into my next question.

Transport Canada's conflict zone information office issues warnings to air carriers about the risks of operating in conflict zones. You've prohibited airlines, as you've just mentioned, from operating in Ukrainian airspace and advised against flying in Belarus, but there is no advisory or prohibition for Russian airspace.

While Canadian flights have been banned by Russia, this information from the conflict zone information office is also important for other carriers in other countries to assess risk.

Is it safe for commercial flights to operate in Russian airspace at this time?

Hon. Omar Alghabra: There are all kinds of considerations; however, the office mandate is to assess the potential for military conflict and security risk for those flights, and the recommendations they come up with are based purely on the information and intelligence gathered by Canada and our partners. While there are other considerations to avoid or for travelling over Russian airspace, the risk that the office comes up with is based purely on the risk of military conflict.

Mr. Taylor Bachrach: Moving on to Aeroflot flight 111, there's been some discussion at this meeting about that situation. I understand that it was declared a humanitarian flight by the pilot.

Are there any consequences for falsely declaring a flight a humanitarian flight?

Hon. Omar Alhabra: There may be, yes. That's why I said there's an ongoing investigation. Based on the outcome of the investigation, Transport Canada will take action. It could include consequences.

Mr. Taylor Bachrach: If I understand this correctly, the first Aeroflot flight entered Canadian airspace and it was asked by Canadian air traffic control to take a different route as per the NOTAM that was issued. The pilot announced that it was a humanitarian flight and was allowed to proceed through our airspace.

Immediately following that, there were two more Aeroflot flights that tried to enter Canadian airspace and were redirected by American air traffic controllers. How is it that American air traffic control is seemingly better able to enforce the rules related to Canadian airspace seemingly better than Canadian agencies?

The Chair: Give a very quick response, please, Minister.

Hon. Omar Alhabra: Nav Canada is coming in the second half of this meeting, but let me say that, typically, U.S. navigators would also raise awareness of the NOTAM to any flights prior to entering Canadian space. That is the way our system operates. Canadian air traffic controllers would notify flights of any NOTAM issued by the U.S., and vice versa.

The Chair: Thank you very much, Minister.

Our next five minutes go to Mr. Muys.

Mr. Muys, the floor is yours.

Mr. Dan Muys (Flamborough—Glanbrook, CPC): Thank you, Mr. Chair.

We know that economic sanctions are an important part of the response to the Russian invasion of Ukraine. Maybe you can speak to the sanctions that are under the domain of your department in terms of shipping, ports and airspace.

Is there a dollar estimate of the economic impact in the short term and long term? Do you feel that the sanctions are enough and that they're working?

Hon. Omar Alhabra: This is an important question. In my opening remarks, I highlighted the range of measures that Transport Canada has put in place, from banning Russian and Belarusian aircraft operators and owned flights from entering Canadian airspace, to banning Russian-owned and -flagged vessels from entering Canadian waters.

This is part and parcel of a comprehensive sanction plan that Canada has imposed on Russia in response to its unprovoked attack. It has been done in consultation and discussion with our allies. Canada is seen to be taking a global leadership role in imposing these measures. We are doing this, not only because it will have a significant economic impact on Russia, but because it's the moral and right thing to do.

We lead with that as we are still studying and measuring the impact that it's having on Russia. We know that it is the moral, right thing to do, and that it will have an impact, particularly when coordinated with allies.

• (1140)

Mr. Dan Muys: There's no specific dollar value in terms of economic impact in the short or medium term that you're aware of at this point or that you want to speak to.

Hon. Omar Alhabra: It's evolving. I can't give you a number that I am not 100% sure of, because it's evolving and changing.

If you look at the overall measures, they have had a crippling impact on the Russian economy. We're seeing the ruble in significant decline and we're seeing economic activities facing significant barriers, so we know that, overall, these measures are having a real impact on the Russian economy.

Mr. Dan Muys: Let's switch to Canadian shipping. In the Black Sea, Russia's shown a disregard for international shipping, and the NATO Shipping Centre has warned that there's a high risk of collateral damage to civilian shipping in the northwest part of the Black Sea. There have been a couple of instances of shipping from NATO countries, one being the Estonian-owned cargo ship that was sunk off the coast of Odessa in early March, as well as the bomb that hit the Turkish-owned ship off the coast of Odessa at a similar time.

Have Canadian commercial shipping interests been directed to avoid the northwest portion of the Black Sea?

Hon. Omar Alhabra: We are sharing the information that we have with operators. We had a session at the International Maritime Organization Council, at which we called for the establishment of a safe maritime corridor to allow for the evacuation of merchant ships and seafarers from the conflict area, and we asked the Secretary-General of the IMO to collaborate with relevant parties and experts to support the implementation of these corridors.

Mr. Dan Muys: Currently are you aware of any Canadian shipping taking place in that portion of the Black Sea?

Hon. Omar Alhabra: I'll ask my colleague Julie Gascon to respond to that question.

We're having an audio issue.

Mr. Michael Keenan (Deputy Minister, Department of Transport): I apologize. The director general of marine safety and security is having an audio problem, but I think what she would have said is the following: Throughout this crisis, Transport Canada has been in close contact with Canadian shipping companies that operate internationally and has been advising them, on an almost-regular basis, on the threat environment. There have been some Canadian companies that have actually been in Russian ports during this crisis, not in the Black Sea but in other Russian ports, and we've been encouraging them to be vigilant and to limit their exposure to Russian ports as much as possible and—

The Chair: Thank you very much, Mr. Keenan.

Thank you very much, Mr. Muys.

Next we have Mr. Rogers.

Mr. Rogers, the floor is yours. You have five minutes.

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): Thank you, Mr. Chair.

Welcome, once again, Minister, here with us today in our transport committee.

Minister, we all understand, of course, the gravity of the situation in Ukraine and the dire consequences for the people living there. Certainly we understand the necessity of taking action, as we have, in the transport sector, and of course the potential impact of the supply chain on the economy. When I look at the shipping industry and the importance to our economy and to coastlines in the north and east and west, there are many ports that rely on shipping of course, and obviously everyone would be impacted by the ban.

How do we plan to enforce this ban, and will the Coast Guard be deployed in the event of an incursion?

• (1145)

Hon. Omar Alhabra: Thanks to my colleague. It's good to see him again.

When the enforcement was approved by Global Affairs Canada, the actions to monitor and enforce these measures were to be dealt with or managed on a case-by-case basis. Partners, such as the Canadian Coast Guard, are certainly instrumental in managing the enforcement, but each case is assessed on its own merit, and the response will be driven by the assessment.

Mr. Churence Rogers: Minister, we heard, of course, that in the airline sector there was a problem. Are you aware of any incursions since the ban came into force in the marine sector, and if so, how many and how did Transport Canada respond?

Hon. Omar Alhabra: There has been no incursion since the order came into effect.

Mr. Churence Rogers: Minister, when I think about the many ports that surround Newfoundland and Labrador, Atlantic Canada and the eastern seaboard, and the number of ships that we see travelling through major ports such as Halifax, St. John's and other ports in Atlantic Canada, I think about a company back in Bonavista—Burin—Trinity, in my riding, Icedwater Seafoods. It, for example, banned the import of Russian cod and does not permit ships to deliver that kind of product to supply an important food source,

which has created more than 200 jobs in this small facility. How do you see this kind of ban further impacting fish companies and other kinds of companies in Atlantic Canada?

Hon. Omar Alhabra: As I stated earlier, these actions were necessary and are still necessary in response to the unprovoked aggression by Russia. These actions and these measures are driven by doing the right thing: the right thing morally and the right thing economically.

Of course, we are assessing and monitoring the potential impact that it may have on our supply chains and our industries here at home. We will continue to work with partners on assessing that impact, but I can tell you that I have not had any stakeholder or any private business come and say that these measures are unnecessary. There are obviously always sensitivities to ensuring that our supply chains are maintained, but everyone understands the imperatives behind these measures.

Mr. Churence Rogers: Yes, Minister, I totally agree, of course, on the importance of these measures.

Minister, have similar bans ever been implemented before by Transport Canada? If so, when, and under what circumstances?

The Chair: Could we have a very short answer, please, Minister?

• (1150)

Hon. Omar Alhabra: Thank you, Mr. Chair.

I know that in 2007 we had similar bans against Burma.

The Chair: Thank you very much, Mr. Rogers.

Thank you very much, Minister.

[Translation]

We now go to Mr. Barsalou-Duval for two and a half minutes.

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

Minister, in your answer to my last question, you said that you weren't able to tell me whether any [Technical difficulty—Editor] strategic [Technical difficulty—Editor].

How does saying that attacks occurred jeopardize national security?

[English]

Hon. Omar Alhabra: I'm sorry. Part of the interpretation was cut off, Mr. Chair, but let me try to respond.

I said that had there been any serious attack worthy of reporting to the public that we would and will be reporting it. It is really important to remain vigilant and prudent and prepared.

[Translation]

Mr. Xavier Barsalou-Duval: Thank you for that answer. Things are much clearer now.

My next question has to do with the north and Canada's territories. The governments of all three territories have said they are worried that any potential Russian attack against Canada would involve the Arctic. They are worried about Canada's level of preparedness and want to meet with Prime Minister Trudeau. They also want the issue on the agenda for the Council of the Federation meeting.

How does your government respond to those concerns and requests?

[English]

Hon. Omar Alhabra: Arctic sovereignty is incredibly important to our government, and I know that it is important to Canadians and important to members of this committee. Our government will continue to assert our sovereignty in the north, and has been, by investing in critical infrastructure and by partnering with the territorial governments, and we will continue to do so. We take our partnership with territorial governments extremely seriously.

I can tell you, from Transport Canada's perspective, that we have dedicated a significant amount of our national trade corridor infrastructure investment to the north, so this is part and parcel of our assertion of our sovereignty in the north.

[Translation]

The Chair: Unfortunately, you're out of time, Mr. Barsalou-Duval.

Thank you, Minister.

[English]

Next we have Mr. Bachrach.

Mr. Bachrach, the floor is yours. You have two and a half minutes.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Minister, my next questions are around the shipping-related sanctions. I'm wondering how many Russian-owned or -registered ships and fishing vessels the government expects will be affected by the sanctions that have been announced.

Hon. Omar Alhabra: We were monitoring when the order came into place four vessels, and those vessels were directed to avoid entering Canadian waters. They all got diverted. We are constantly monitoring and broadcasting our orders to ensure that all operators are aware of the orders.

Mr. Taylor Bachrach: Thank you, Minister.

Since the ban came into effect, has the government observed any Russian-owned or Russian-registered ships transferring their cargo to ships sailing under different countries' flags in order to complete delivery of the products they're carrying?

Hon. Omar Alhabra: We've seen, as I mentioned, some ships be diverted, based on our orders. The ban restricts Russian-owned and Russian-flagged vessels from entering Canadian waters, and I can tell you that, as of right now, no incursion has occurred and all the vessels that were attempting to enter have been diverted.

Mr. Taylor Bachrach: Thank you, Minister.

My next question is around how the government determines the ownership structure and whether the government is communicating that information to ports so they can effectively enforce this ban. I know that the ownership structure of the shipping companies can be quite complex and often the shipping companies run under flags of different countries for tax purposes or what have you.

Is Transport Canada communicating that information effectively to ports so they're able to implement the ban?

• (1155)

Hon. Omar Alhabra: Indeed, my colleague brings up a relevant and important point. Yes, sometimes some of these ownerships are highly complicated, so we are regularly communicating with ports, with shippers and with operators to share not only the letter of the ban but also the spirit of the ban, and we are constantly evaluating based on the information we have.

The Chair: Thank you very much, Mr. Bachrach, and thank you, Minister.

The next five minutes go to Ms. Lantsman.

Ms. Lantsman, the floor is yours.

Ms. Melissa Lantsman: I'm probably going to split my time with Mr. Jeneroux.

I have a couple of questions, Minister.

I just wanted to change gears. You talked a lot about the notice to airmen that was issued on February 27. How long does it take to issue a notice, from discussion to operationalizing it?

Hon. Omar Alhabra: It can be done very quickly. The time is mostly spent on the analysis of the type of NOTAM, but the order can be issued very quickly.

Ms. Melissa Lantsman: Would you say immediately?

Hon. Omar Alhabra: Yes. Obviously, there's still paperwork necessary, but it would be within hours.

As I said, the time is mostly spent on the analysis of the nature of the notice and the type of the notice.

Ms. Melissa Lantsman: Is that the primary way to communicate to airmen to watch out for this, to help you with the potential threat?

Hon. Omar Alhabra: A NOTAM is used for a variety of purposes to enhance safety and security. When a NOTAM is issued, it's shared with Nav Canada, and then Nav Canada has the ability and the responsibility of sharing it with operators.

Ms. Melissa Lantsman: Minister, would you communicate that first, or would the notice go out first?

Hon. Omar Alhabra: For example, in the situation with the Russian NOTAM, we had given Nav Canada a heads-up before it was issued publicly, so they would be prepared and have a lead time, but we would issue it publicly and then Nav Canada would enforce it.

Ms. Melissa Lantsman: Do you think the system is agile enough, if you felt that you needed to communicate that publicly first and have the NOTAM go out after?

Hon. Omar Alhabra: I think the system is quite agile, and we've demonstrated that in this situation.

Again, I would welcome the committee's advice on this, but I feel that the system has demonstrated its agility.

Mr. Matt Jeneroux (Edmonton Riverbend, CPC): Thank you, Minister. It's a pleasure to have you here before the committee, and I appreciate that you are answering most of the questions yourself.

At the beginning of your comments, you talked about the grounding of two Russian civilians at the Yellowknife airport but didn't go into a lot of specifics about who they were and what they were doing there. From the briefing we received, it looked like they were on an Arctic expedition. However, I think Canadians would like to know that they're not a threat. Are they still there? What's happening with that particular flight?

Hon. Omar Alhabra: Let me be clear that the investigation that was generated because of this incident was not because of the individuals, per se. It was because it appeared that the jet had violated the terms of the NOTAM. The terms of the NOTAM ban any flights that are operated or are under the control of Russians. When—

Mr. Matt Jeneroux: Sorry. I just want to give you the opportunity to clarify that there's no threat to Canadians right now with those individuals or that plane being up in Yellowknife. You can say that?

Hon. Omar Alhabra: Yes. I can say that, Mr. Chair.

Mr. Matt Jeneroux: Great.

Hon. Omar Alhabra: I can also say that the plane has left. I'm not going to comment on where the individuals are, but there are no threats to Canadians and Canadian security.

• (1200)

Mr. Matt Jeneroux: I appreciate that, Minister, because I think a lot of Canadians, in terms of what you mentioned in your opening comments, would be concerned or wondering what was occurring.

You also mentioned in your opening comments “call out” actions and invoke punishments. I'm just curious about what types of punishments you perceive would be relevant in certain situations like those.

Hon. Omar Alhabra: As I said in my opening remarks and some of my answers, there are monetary fines that can and have been applied in the situation of that private jet. They could go as high as \$15,000. They could be directed against a company, against individuals or against the pilot. Several fines can be imposed, and then there are consequences if those fines are not paid.

The Chair: Thank you very much, Minister, and thank you very much, Mr. Jeneroux.

To conclude panel one today, we have Mr. Chahal.

Mr. Chahal, the floor is yours for five minutes.

Mr. George Chahal (Calgary Skyview, Lib.): Thank you, Chair.

Thank you, Minister and guests, for joining us today.

Minister, you've talked a lot about the NOTAM, the notice to airmen. Can you tell us what it is, specifically?

Hon. Omar Alhabra: The notice to airmen, as I said earlier, is an instrument that Transport Canada uses to guide, advise or order airplanes and drone operators in order to enhance the safety and security of those in the air or those on the ground.

Mr. George Chahal: Why was the NOTAM issued on February 27?

Hon. Omar Alhabra: Mr. Chair, this was part of our comprehensive and decisive action in response to the Russian aggression against Ukraine. Given the heightened security situation, the tension and the hostility that Russia exhibited towards Ukraine, we decided to ban Russian-owned and -operated flights from entering Canadian airspace.

Mr. George Chahal: Minister, how can we ensure that Russian aircraft do not enter Canadian airspace?

Hon. Omar Alhabra: It is done first through communication. Nav Canada has the mandate and responsibility to direct traffic in Canadian airspace. If there's a violation of these orders, Nav Canada has protocols to react to any potential violation.

As I said, I know that Nav Canada is coming here afterwards. I'm sure they will do a good job of explaining those protocols.

Mr. George Chahal: With those protocols in place, did we see a reactionary response to the NOTAM from the Russians or the Belarusians?

Hon. Omar Alhabra: Mr. Chair, as I said earlier, I'm aware that Russia has reciprocated and has banned Canadian flights from entering Russian airspace.

Mr. George Chahal: What effects will the Russian response and reciprocation have on Canadian operators?

Hon. Omar Alhabra: There are flights that are managed or run by Canadian operators, like Air Canada, that would typically fly over Russian airspace to get to Korea or India. Those flights now have been diverted. Yes, they are taking longer routes and it's adding costs, but Air Canada and others understand why and they have done their best to divert their traffic.

I know that air travellers also understand why this is happening, and that they have accepted and acknowledged the reason for it.

• (1205)

Mr. George Chahal: Thank you, Minister, for your responses today.

Mr. Chair, I think that's it for my time.

The Chair: Thank you very much, Mr. Chahal.

Thank you, Minister and Deputy Minister, for your testimony this morning. It's always a pleasure to host you, and we very much appreciate your time.

I will now suspend the meeting for two minutes, after which we will resume for panel two.

Minister and Deputy Minister, please feel free to log off at your convenience.

Hon. Omar Alghabra: Thank you, Mr. Chair.

Thank you, colleagues, for the opportunity.

I look forward to, hopefully, doing this one time soon in person.

The Chair: We'd love to have you.

• (1205)

(Pause)

• (1205)

The Chair: I call this meeting back to order.

To begin panel two, we have a presentation that apparently runs for six minutes by Nav Canada. I'm going to turn it over to Nav Canada first for that presentation, and then we can proceed with questioning.

• (1210)

Mr. Ben Girard (Vice President and Chief of Operations, NAV CANADA): Thank you very much, Mr. Chair.

First, please let me say that our thoughts today are with the people of Ukraine.

Nav Canada is the not-for-profit corporation that owns and operates the world's first privatized air navigation system, ensuring the safest, most efficient movement of aircraft from the Pacific to the Arctic to the mid-Atlantic, 24 hours a day, seven days a week. Nav Canada operates the world's second-largest ANS. To support our 45,000 customers, we employ 4,000 people and are deploying groundbreaking technologies to keep the skies safe. Safety is why we exist, and our safety record is one of the best in the world.

Nav Canada thanks the committee for its invitation to address its concerns with respect to the recent restrictions imposed on Russian aircraft entering Canadian airspace. In the normal course, Nav Canada's capacity to act in this matter is very limited. More specifically, in the context of our mandate to operate the civilian air navigation system in compliance with ICAO standards, as stipulated in our governing legislation, we do not have authority to choose who may or may not operate in our airspace.

Our mission is to ensure the aircraft fly safely and efficiently in our airspace by ensuring safe separation between aircraft. When re-

strictions are put in place through a notice to airmen, or NOTAM, all pilots are required to comply with them. The safety and security of the global air navigation system depend on thousands of aircraft and their pilots following thousands of NOTAMs that exist at any given time.

Practically speaking, Nav Canada does not have a way to physically prevent entry into our airspace. We are not responsible for enforcement actions against any aircraft operator that violates a NOTAM. If a pilot disregards or violates a NOTAM, Nav Canada has but one course of action, that is, to report the offending aircraft to the appropriate authorities while ensuring that the offending aircraft does not impact the safety of all other aircraft in the airspace. Even with a NOTAM in place, Nav Canada requires ministerial authority to deny the offender air traffic control clearances. Even with the specific authority to deny clearances, it does not guarantee that a pilot will comply and may instead choose to enter the airspace.

In terms of reporting the offender, existing procedures require that Nav Canada advise Transport Canada. It is up to Transport Canada to initiate an investigation and impose whatever penalties may be appropriate. If any physical engagement or real-time enforcement is required, Transport Canada may choose to engage the Department of National Defence.

On the morning of Sunday, February 27, 2022, the Minister of Transport made the unprecedented declaration that Canada's airspace was closed to all Russian aircraft. Transport Canada then authorized the issuance of a NOTAM restricting Russian aircraft from Canadian airspace, and Nav Canada issued the NOTAM by midday.

Adding complexity to the situation was the fact that the FAA, as the operator of the adjoining airspace, had not yet put in place any restrictions. That afternoon, Aeroflot flight 111 departed Miami International Airport and approached Canadian airspace. The FAA indicated to a Nav Canada controller that the pilot was aware of the NOTAM but claimed they had authorization to enter Canadian airspace on the basis of declaring itself a humanitarian flight. Nav Canada does not, however, determine the validity of these declarations. That is a function of Transport Canada.

It is important to note that, even with a NOTAM as initially issued, any aircraft declaring itself a humanitarian, medevac or other type of emergency flight, would, according to existing processes and procedures, be given access to the airspace and ATC clearances in accordance with international civil aviation protocols.

Nav Canada immediately notified Transport Canada of Aeroflot 111's humanitarian declaration and entry into Canadian airspace, in accordance with approved processes and procedures. On Monday, February 28, Transport Canada subsequently provided written authority to Nav Canada to deny ATC clearances to all Russian flights, including humanitarian, medevac and search and rescue flights. An exemption remains for aircraft with an in-flight emergency, which would be directed to land at the nearest facility.

We are proud at Nav Canada of the work our employees did to quickly develop, to educate and to safely implement the new procedures that operationalize the new restrictions.

In summary, Mr. Chair, our primary responsibility is to manage the airspace above Canada to ensure the safe transit of all aircraft through that airspace. We are confident that all actions taken by Nav Canada and its personnel with respect to this matter were done professionally and to the full extent allowable by all of the respective governing authorities, legislation, regulations, procedures and policies.

I'm happy to answer any questions the committee may have.

● (1215)

The Chair: Thank you very much, Mr. Girard.

Our first round of questioning goes to Mr. Dowdall.

Mr. Dowdall, the floor is yours. You have six minutes.

Mr. Terry Dowdall (Simcoe—Grey, CPC): Thank you very much, Mr. Chair.

Thank you to our guests.

I just want to say that it was great to see the minister here once again. In his comments, he said there are sanctions that are working and hopefully crippling Russia a bit, and I think that's good news, but the collateral damage also is that some of those are crippling some people here in Canada as well. Before I preface my question, I just want to be clear that each and every one who has reached out to my office, whether it's an agribusiness or a farmer, is supportive of the sanctions, but there are deep concerns.

My riding is in Simcoe—Grey, which happens to be a huge agricultural base. As you know, spring is here and farmers are getting ready to get the crops in the ground. Part of that involves getting fertilizer in the ground as well. As I'm sure most of you are aware, Russia supplies much of the world's monoammonium phosphate, MAP, fertilizer, which is critical for Canada's food production. Right now Canada does not produce any.

I've been contacted by several people in my riding, both end-users and agribusinesses, who are concerned about the impact of the restrictions or the ban on Russian manufacturers, especially when it comes to these fertilizers. Simply put, if we do not get fertilizer in the ground soon, the fall crop yields across Canada will be much reduced. Getting fertilizer is a long process, with quantities ordered long before Russia invaded Ukraine. Often these are paid for long in advance. The contracts are signed and subject to large cancellation fees.

Alliance Agri-Turf, who happens to be in my riding and is actually a large company across Canada, is an important supplier of fer-

tilizer for central Ontario. They've contacted me with concerns over the shipment of these MAP fertilizers coming into Canada. The shipment was originally due on March 15, but Transport Canada told them that the shipment would not be allowed into Canada. It's been pushed back to this weekend to hopefully sort the situation out.

I'm wondering if anyone here can perhaps provide us with an update on the issue of fertilizer. As we know, there's not a lot everywhere else. I want to know if anyone on panel can perhaps give us some guidance.

Mr. Marc-Yves Bertin (Director General, Marine Policy, Department of Transport): As the member noted, this is a question that has been put to us, or been put to the government writ large. Decisions as to how to manage requests of this nature fall under the responsibility of the Minister of Foreign Affairs and her officials. In terms of any updates on the matter, it would be best posed to officials from that department, from Global Affairs Canada. I'm afraid I'm not able to provide an update on that situation.

Mr. Terry Dowdall: So at this moment in time, you basically don't have an idea of whether or not this cargo will be delivered.

Mr. Marc-Yves Bertin: As I mentioned, I think it's a question that needs to be put to our colleagues at the Department of Foreign Affairs and International Trade.

That said, just stepping back for a moment, Canada-Russia trade is relatively small, but it's very much focused on some specific bulk commodities—bulk commodities in the petroleum sector and chemicals, including fertilizers, as you noted, amongst others. As the minister noted previously, measures have been taken against certain commodities. With respect to fertilizers, a chartered vessel that is Russian-flagged can therefore find themselves affected by the vessel ban provisions.

I think in the fullness of time, it will be important that Canadian importers remain sensitive, obviously, to the prohibitions that the government has enacted to ensure that they don't run afoul of these measures.

● (1220)

Mr. Terry Dowdall: Was it Transport Canada, though, who said it would not be allowed in? Is that who made the decision?

Mr. Marc-Yves Bertin: I could invite one of my colleagues, Julie Gascon, to speak to the protocols. In simple terms, while the Department of Transport and other partners monitor Canada's approaches, the final determination as to what to do if a vessel has been identified is a decision that is taken by the Department of Global Affairs. These are measures that have been taken under the Special Economic Measures Act. As you well know, this is an act that falls under the responsibility of the Minister of Foreign Affairs.

In that respect, it's fair to say, or it's actually appropriate to say, that the decisions are for the Minister of Foreign Affairs on the advice of her officials, but obviously in consultation with the support of other departments, such as Transport Canada.

Mr. Terry Dowdall: I don't know if someone can elaborate perhaps on the due diligence that was done on these potential impacts on the Canadian food supply, because certainly everyone is going to pay more. As you know, we're having a tough time now with inflation, and we have the CP rail strike. Who knows what it is, but people aren't getting products and this is just another thing. The price of fertilizer has already increased 60% to 80%. If we add a 35% duty on products purchased months ago, it means an effective doubling of the fertilizer prices. It will be difficult for our farmers, but it will be difficult again for the end-users.

I'm just wondering, has there been any discussion on the impact on the Canadian food supply?

The Chair: Please give a 15-second response.

Mr. Marc-Yves Bertin: Sure. I think it's fair to say that, when confronted with these types of decisions, the Department of Global Affairs needs to consult with a range of departments, including Transport but other departments as well, that would have a perspective to offer in terms of any commodity that may or may not be captured by a measure, or questions being asked about a commodity and the potential effects of the measures.

Mr. Terry Dowdall: Thank you for your answers.

Thank you, Mr. Chair.

The Chair: Thank you very much, Mr. Dowdall and Monsieur Bertin.

The next round of six minutes goes to Mr. Badawey.

Mr. Badawey, the floor is yours.

Mr. Vance Badawey (Niagara Centre, Lib.): Thank you, Mr. Chairman.

I want to expand a bit on the question that was just asked with respect to the supply chains.

Mr. Bertin, how do you feel the effect on the Canadian supply chain will occur in the next couple of months with what's happening right now?

Mr. Marc-Yves Bertin: As I mentioned earlier, Canada-Russia trade is relatively small and focused on a few commodities. I mentioned petroleum products, chemical products, iron ore and minerals. From that perspective, we can see that there is therefore a potential impact on certain commodities that are transported by vessels that are Russian-flagged or Russian-owned. From our perspective, just speaking to petroleum products, we're talking here about one of the largest commodities Canada imports from Russia. I also mentioned, of course, fertilizers.

That said, over the near to medium term, Canadian importers need to make sure that they're not contracting with operators or charterers of ships that are subject to the ban. I think the repeated communications around this provide Canadian importers with the foresight needed to organize their business dealings accordingly.

Mr. Vance Badawey: Thank you.

I'm glad you brought that up about the shippers and the owners. It goes back to a question that Mr. Bachrach alluded to earlier with respect to ships that are owned by Canadian companies but are flagged under possibly Russian flags on the vessels.

Going a bit deeper into the weeds on that, how are you going to determine the ownership versus simply the flagging of each vessel? I guess to that same question, what would be the definition of "Russian vessel" with respect to the ownership and the flagging?

Mr. Marc-Yves Bertin: I'm going to turn the question over to my colleague Julie Gascon.

• (1225)

Ms. Julie Gascon (Director General, Marine Safety and Security, Department of Transport): Thank you very much, Mr. Chair.

[*Translation*]

Thank you, Mr. Bertin.

[*English*]

In terms of determining the ownership of the vessel, there are various ways. The simplest one is that the vessel is owned by Russia and has a Russian flag on its stern, so it's a Russian vessel. It can be owned by Russia, but registered in another country. That's also often very clear.

Where sometimes the analysis needs to be a bit more in-depth is when the vessel is being chartered, partly chartered or leased. That's where, with the maritime security operation centres' partners—the Coast Guard, National Defence, CBSA, the RCMP, Transport Canada, and the Department of Fisheries and Oceans—we do an in-depth analysis of all the elements that are received on this particular vessel and its cargo, and we time our analysis to the pre-arrival report, which is normally sent to the maritime security operation centre. Equipped with this analysis, we provide as much detailed information as we can to our Global Affairs colleagues, who make the final determination and may request additional paperwork if there is any concern in terms of whether the vessel or any of its charterers could meet the definition under the sanctions.

It is a complex operation, but supported by many departments to be able to have a thorough analysis of that vessel.

Mr. Vance Badawey: Thank you.

With respect to the number of Russian vessels we see traditionally in Canadian waters, approximately how many Russian vessels will be affected by this ban? Of course, as was said earlier, that will give us some kind of gauge in terms of what the impacts on the supply chain will be. Approximately how many Russian vessels will be affected by the ban?

Mr. Marc-Yves Bertin: Thank you [*Technical difficulty—Editor*].

We're talking roughly about just under 75 vessels. Obviously, the calls can vary according to seasonality and the commodities that they're shipping [*Technical difficulty—Editor*]. I'd say that this represents roughly 1% of all vessel calls on Canada. That said, I think what's important to note is that the power of sanctions tends to be in the coordinated nature of the actions taken by Canada and other countries. They may be identical or variable, but if we take them together, we can see that, as the minister was noting, there's been a sizable impact on the Russian economy and its economic activities. AIS data, for example, information that we can see in terms of vessels, suggests that activities at Russian ports have declined since the start of hostilities by about 40%.

Mr. Vance Badawey: Thank you.

With respect to the supply chain, I want to bounce back to that for a second, because I understand that a lot of other countries are putting forward bans. Do you see the impacts that are happening in other countries, the impacts to fluidity or the supply chains, happening with Canada as well, whether they're the same or different?

Mr. Marc-Yves Bertin: I come back to the fact that roughly 1% of vessel calls in Canada are Russian-connected, for the purposes of the ban. That said, there are various measures that have been instituted, as well as actions taken by some of the major shipping lines.

In terms of the impacts, sanctions obviously have some very material impacts in the way that supply chain actors operate to make sure that they don't run afoul of the various sanction regimes that exist around the world. What that means, therefore, is that a broad range of actors—whether those are bankers, insurers, shippers or what have you—have to scrutinize their dealings much more than previously, again to make sure they're on the right side of the law in these contexts.

What we're seeing is higher degrees of scrutiny, which can lead to delays. We're seeing some reroutings, but also, as I was mentioning, a certain decline in Russian port activities.

Mr. Vance Badawey: Thank you, Mr. Bertin.

Thank you, Mr. Chairman.

The Chair: Thank you very much, Mr. Badawey.

Thank you very much, Monsieur Bertin.

Next we have Mr. Barsalou-Duval.

[*Translation*]

We now go to Mr. Barsalou-Duval for six minutes. Go ahead.

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

My question is for Mr. Girard, of NAV CANADA.

Mr. Girard, you talked about the Aeroflot flight in your opening statement. If I understood correctly, you said that there was some confusion over whether the flight was authorized to enter Canadian airspace since the FAA had not put in place a restriction. I assume the flight was leaving the U.S.

The FAA provided you with information and you communicated with FAA staff. When a flight enters Canadian airspace, do you check with the pilot or with the originating country?

I'd like you to clarify that for me.

• (1230)

Mr. Ben Girard: Thank you for your question, Mr. Barsalou-Duval.

First, I want to make clear that there wasn't any confusion.

Before the flight, we spoke with Transport Canada and we asked the FAA to reroute the flight to keep it out of Canada's airspace. That's when the FAA controller indicated that they were aware of the NOTAM and that the aircraft was authorized to enter Canadian airspace because it was a humanitarian flight.

According to the procedures in place at that time for air traffic controllers—procedures supported and even mandated by the ICAO—we had to give the aircraft clearance because it had declared itself a humanitarian flight. The same rules would apply to a search and rescue or medevac flight. Those were the procedures in place at the time. The controller on duty followed those procedures and allowed the aircraft to enter Canadian airspace, in coordination with the FAA controller.

Mr. Xavier Barsalou-Duval: I gather, then, that humanitarian flights were authorized when the restriction was first put in place, but not anymore.

Mr. Ben Girard: Yes and no. The first NOTAM made no mention of humanitarian flights. Normally, those flights are allowed entry, in compliance with ICAO procedures.

As you pointed out, the NOTAM has since been clarified, and NAV CANADA was given authority to deny clearance to humanitarian, medevac and search and rescue flights, unless instructed otherwise by the government. Normally, NAV CANADA takes the pilot's word when they declare the purpose of the flight as humanitarian or search and rescue. NAV CANADA does not verify whether the declaration is true because it does not have that capacity. That's what happened at that time.

Mr. Xavier Barsalou-Duval: I realize that NAV CANADA doesn't have the capacity to verify declarations and takes the pilot at their word, but are there other ways to verify whether a flight is genuinely a humanitarian flight?

Mr. Ben Girard: Not on NAV CANADA's end. I would have to defer to the Transport Canada officials on that.

[*English*]

Mr. Nicholas Robinson (Director General, Civil Aviation, Department of Transport): Thank you, Ben.

Thank you, Mr. Chair.

The way Canada defines humanitarian or emergency flights is very clear in the CANSCA. That would be medevac, search and rescue, or those related to transport during an international emergency. In this case and in our reviews, we are concerned about how Aeroflot identified itself in its flight plan prior to departure from the United States, declaring a humanitarian flight. We're disappointed in the operator for trying to, as it would appear, circumvent the norms and practices within the aviation industry around the use of humanitarian flights. Humanitarian flights are for emergency purposes, to make sure we are able to prioritize flights into particular spots or put them in the front of the line, as it were, during emergency situations. In this instance, we don't see that. This action by Aeroflot is one that we're continuing to investigate, and we have a great deal of disappointment in its use of the humanitarian designation.

• (1235)

[Translation]

Mr. Xavier Barsalou-Duval: Thank you for your answer, but I don't think I understand how Transport Canada determines [*Technical difficulty—Editor*].

If I take off in a plane, there's no way for NAV CANADA to know that, so I assume there are other authorities to which that information has to be declared in advance—in this case, Transport Canada.

Is that how it works?

How was the pilot of the aircraft able to declare that the flight was for humanitarian reasons and continue on their way?

The Chair: Unfortunately, there's not enough time left for the answer. You'll have to wait until the next round if you want an answer, Mr. Barsalou-Duval.

[English]

Next we have Mr. Bachrach.

Mr. Bachrach, you have six minutes. The floor is yours.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Thank you to all of the officials for joining us today and answering our questions.

I have some questions for Nav Canada, but I wanted to start with a question for Mr. Bertin.

You were talking earlier about Russian exports to Canada and the various products. I understand that Canada announced a ban on the import of crude oil products, but there aren't that many Russian crude oil products, if any at all, at least recently, that have come into Canada. As you noted, other petroleum products and other oil and gas products make up a significant percentage of Canada-Russia trade. I'm wondering if you can provide us with any insights as to why the government didn't place a ban on other petroleum products? If the goal here is to put pressure on Russia and make it feel economic pain, it would seem that targeting products Russia actually trades with us would be a more effective way to do that.

Mr. Marc-Yves Bertin: Unfortunately, given our remit over transportation undertakings, the issue of commodities really falls outside of our remit. It's probably a question that is best posed to

Global Affairs, which leads on special economic measures. Unfortunately, I'm unable to provide you with a response to that question.

Mr. Taylor Bachrach: Thanks. I'll direct that question elsewhere.

I have questions for Nav Canada—and some of these have been answered already—around the timing of the issue of the NOTAM and Aeroflot flight 111. I'm interested in picking up on these two subsequent flights that were diverted around Canadian airspace. For flight 111, Canadian air traffic controllers advised the pilot that the ban and sanctions were in place, yet the flight continued through our airspace.

For the subsequent two Aeroflot flights, American air traffic controllers told them to go around our airspace and they complied. If anything, I would think that the two following pilots would be emboldened by the fact that the first pilot got through. What was different in what the Americans communicated to those Aeroflot pilots?

Mr. Ben Girard: The first thing is that I'm not necessarily privy to the conversation that there was between those pilots. I'm certainly not in a position to comment on what the pilots were thinking at the time and the reasons they did certain things.

What I can share with you is that we did exactly the same thing from a Nav Canada perspective with the two following flights that we did for the initial flight, which was to advise or request the FAA to reroute the flights around our airspace. The first pilot elected to go through, and the two other pilots elected to comply with the NOTAM and go around the airspace.

Mr. Taylor Bachrach: Can I assume that the difference in those circumstances will be one of the topics covered by the investigation?

Mr. Ben Girard: I would have to direct that information to Transport Canada. However, what I can share with you is that it is our belief that the investigation into Nav Canada showed that the actions were complete. It was found that we did everything in compliance with published regulations, procedures and the authority that we had at the time.

• (1240)

Mr. Taylor Bachrach: Since the incident on February 27, have there been any further attempts made by Russian aircraft to enter Canadian airspace?

Mr. Ben Girard: There has in the sense that flight plans were deposited. To give you an idea of how many, from the publishing of the NOTAM to around March 7, there were 55 flights that were diverted around Canadian airspace at the request of Nav Canada from the adjacent ANSPs.

Mr. Taylor Bachrach: Prior to the airspace closure coming into force, approximately how many Russian flights passed through Canadian airspace on a daily basis?

Mr. Ben Girard: If you take it from the numbers that I gave you from February 28 to March 7, 55 would be the number. You can divide that by the number of days.

Mr. Taylor Bachrach: There are a lot of questions around the ownership structures and the registration structures, both in the application of the marine ban and the closure of our airspace. Many of the aircraft operated by Russian airlines are registered elsewhere. For instance, the aircraft used for Aeroflot flight 111 is registered, I believe, in Bermuda.

How is Nav Canada interpreting the connections to Russia in implementing this ban on flights over our airspace?

Mr. Ben Girard: We have, as usual, very good communication with Transport Canada, and Transport Canada is the one that provides us with a lot of the information. There are some easy ones, as you could see with Aeroflot, and the Government of Canada has given us a list of aircraft that are registered in and operated from Russia.

As you point out, Nav Canada does not have the tool to identify all aspects of the NOTAM. For example, we have no information about who is sitting in the aircraft. If there are Russians who charter an aircraft that is registered somewhere else, we count on Transport Canada to provide us with that information in order to apply the NOTAM. This is something that has, in my opinion, worked very well with Transport Canada since the issuance of the NOTAM.

Mr. Taylor Bachrach: Thank you, Mr. Girard.

The Chair: Thank you very much, Mr. Bachrach.

[Translation]

Thank you, Mr. Girard.

[English]

The next five minutes goes to Ms. Lantsman. The floor is yours.

Ms. Melissa Lantsman: Thank you so much.

Thank you to all of the officials for making the time.

I'd like to go back to the issue of the NOTAMs. Perhaps you can clarify something for the committee. Does the issuance of the NOTAM—at the time when it's issued—signify the closure of the airspace? Is that the timing?

Mr. Ben Girard: Can you confirm who the question is for? I would imagine that it's for me.

Ms. Melissa Lantsman: Sure.

Mr. Ben Girard: The NOTAM is intended, as I said in my opening statement, for thousands of pilots, or whoever's in the air. They obey the NOTAMs in order to keep the airspace safe and secure. In a sense, when the NOTAM is published, it is active immediately and all pilots are required to obey it.

From a Nav Canada perspective, there's time required between when the NOTAM is published and when it is operationalized. You have to understand that this is an unprecedented action that the government took. I've personally been with company for 33 years and I have not seen anything similar to this, so these are procedures that did not exist. The aviation sector is a highly regulated sector, and it requires that we develop procedure according to a certain process and according to a regulated safety management system where we have to identify risks and determine if any mitigation is required.

In addition, at any given time, we've got hundreds of controllers sitting down in position who need to be taken off their positions and briefed on new procedure. Between the issuance of the NOTAM and its operationalization, there is time required.

To your question, as soon as the NOTAM is published, it is effective immediately, but it does take time for Nav Canada to brief controllers and operationalize the procedure, to go directly [*Technical difficulty—Editor*].

• (1245)

Ms. Melissa Lantsman: My question is less about what happens after and more about what happens before. Is it usual that all media—mainstream media and social media—would say that the airspace is closed before the NOTAM is issued? Don't you find that confusing?

I think that's what happened in the case of February 27. We read about this as Canadians before any kind of notice was issued to airmen. My concern is, if you have to issue something quickly, in an emergency, to respond to an active threat, is NavCan prepared to do so?

Mr. Ben Girard: I don't think it's my place to comment on whether it's confusing or not to the public at large. It was not confusing to Nav Canada what our authority was at the time and what needed to be done to operationalize the procedures.

Ms. Melissa Lantsman: In that case, it would be totally normal that Canadians at large would know about an airspace closure before any kind of notice was issued to airmen. Is that usual?

Mr. Ben Girard: Again, unfortunately, I have to repeat what I said. It is not my place to comment on what's usual or not usual. What I can tell you is that as soon as we got the NOTAM, we knew what we needed to do, and we worked with the government to get the proper authority to operationalize the NOTAM and implement it as quickly, as efficiently and, most importantly, as safely as possible.

Mr. Nicholas Robinson: Mr. Chair, I wonder if I could add to that.

The notice is for the crews who are operating in and around the area that's impacted. I'll give an example. We issue NOTAMs quite frequently, such as for an incapacitated aircraft on a runway, lighting issues on another runway or potential construction on another runway. There could be many instances.

If you have an incapacitated aircraft on a runway, yes, many individuals are aware of that. They're very aware, and the NOTAM hasn't been issued yet. Individuals in that airspace are working around it. It could be reported in the media as well, and a NOTAM might follow it. It's the instrument of information to crews. The decision to issue the NOTAM has already been made behind that.

Nav Canada and Transport Canada work very quickly. We can issue NOTAMs fairly quickly. I think in this case we were speaking about the potential of issuing a NOTAM even before, earlier into the weekend, so that the system was ready if the decision was taken.

Again, the NOTAM is the notice. It's the poster to tell everyone that this action is being taken. The decision-making behind it can occur, and individuals can absolutely be aware of the notice that will be coming out, before the actual notice is available.

The Chair: Thank you very much, Mr. Robinson, and thank you very much, Ms. Lantsman.

Ms. Koutrakis, the floor is yours. You have five minutes.

Ms. Annie Koutrakis (Vimy, Lib.): Thank you, Mr. Chair.

Thank you to our witnesses for being here today.

I'd like to explore a little bit more the co-operation in government when it comes to transportation. How does Transport Canada collaborate and coordinate with the Department of National Defence and the Canadian Armed Forces to ensure situational awareness of the Canadian airspace?

I'm not sure who can answer this. I don't know if it's Transport Canada or NavCan. Whoever would like to answer it or add comments, I would appreciate it.

Mr. Nicholas Robinson: Mr. Chair, I'll speak to that initially.

If we do find that there's a situation where we feel that there is a threat to Canadian airspace, to individuals operating within Canadian airspace or to Canadians themselves, we will liaise through a protocol with our Canadian Forces colleagues to take decisions on what may be required to address that threat. Nav Canada will be helping us inform potential areas where the threat is located, but they will also be part of our conversation to make sure that we're able to address that threat effectively.

• (1250)

Ms. Annie Koutrakis: Have we taken any proactive measures for Canadian transportation or navigation authorities to make Russian aircraft operators aware of Canada's February 27, 2022, ban?

Mr. Nicholas Robinson: I would say that the notice to airmen, the NOTAM, is the awareness mechanism that Russian-owned, -operated, -leased and -controlled aircraft—for Belarus aircraft, it's now the same—are banned. It's the responsibility of aircrew to be aware of the NOTAM. It is the international norm to be aware of NOTAMs that may impact their flight plan.

We are also aware that Russia is very aware of the action we've taken, because the day following, they referred to that ban by banning Canadian aircraft as well.

Ms. Annie Koutrakis: Thank you for that.

To what extent is the Government of Canada coordinating and working with the U.S. and European aviation authorities to track Russian-owned or -operated aircraft, and more specifically to ensure that compliance with the various airspace bans is being done and carried through?

Mr. Nicholas Robinson: Leading up to the decisions, we were in contact with our international colleagues around actions that were being considered as well. That included colleagues within the European Union and the U.K. as well as the United States. We were also looking at potential language that may or may not be used to implement those bans. We continue, even in the case of the revisions to the NOTAM that we made late last week, to be in contact with our colleagues.

For the most part, we try to streamline it as best we can—also keeping in mind our own sovereign decision-making—for aircrews so that they're aware. If there's a potential to align with international partners, we do so. You see that in the work we do through our conflict zone information office as well, trying to streamline the warnings that we have in and around Ukraine and the 200 nautical miles around those borders.

Ms. Annie Koutrakis: I'm sure many Canadians would be interested in my next question, although it may be deemed a little bit sensitive. To what extent, if you can, can you describe how we defend against cyber-attacks on critical transportation infrastructure?

Mr. Nicholas Robinson: Mr. Chair, I can start with that question and speak within the air sector.

Over the last number of weeks, we've been informing our air sector colleagues about information coming out of other government departments around ensuring that their cybersecurity plans are in place and that they've made adjustments they feel are necessary. We also have different information sessions being conducted by other government departments with those sectors to make sure that those plans are in the best place possible to potentially respond to threats that may have surfaced as a result of different hostilities over the last number of weeks.

Ms. Annie Koutrakis: Thank you very much.

The Chair: Thank you very much, Ms. Koutrakis.

Thank you very much, Mr. Robinson.

[*Translation*]

It is now Mr. Barsalou-Duval's turn.

Mr. Barsalou-Duval, you have two and a half minutes.

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

My question is about detection systems, and it's for Mr. Girard.

If I understand correctly, usually, when a foreign aircraft enters Canadian airspace, a flight plan has already been filed, so the appropriate authority is aware of the flight's arrival and can manage it accordingly. How do you handle an inbound foreign aircraft that has not filed a flight plan? What happens in that case? What is your role?

I have another question.

A detection system alerts you when an aircraft is entering Canadian airspace. Is NAV CANADA's detection system the one that the Department of National Defence uses? Does the Department of National Defence have its own system? How does it work on that front?

• (1255)

Mr. Ben Girard: I think a Government of Canada official could answer your second question better than I could.

The detection system used by the Department of National Defence may or may not be NAV CANADA's.

To answer your first question, I would say that there are different types of flights. Normally, passenger carrying airplanes are operated in accordance with instrument flight rules, or IFR. In that case, ICAO international standards apply. Pilots have to have a flight plan, and very seldom does an aircraft enter Canadian airspace without having previously filed a flight plan.

Mr. Xavier Barsalou-Duval: If an aircraft entered Canadian airspace without a flight plan, what would you do?

Mr. Ben Girard: That would be a VFR flight, meaning one that is conducted in accordance with visual flight rules. The pilot would request IFR clearance. We would identify the flight, ask the pilot what they want to do and give them clearance based on our capacity at that specific time, depending on the flights already in the area. In other words, if an aircraft departing from Kingston requested IFR clearance, we would check the other flights and, according to our capacity, give the flight IFR clearance.

As for Aeroflot and flights that use an air navigation service provider, 99.99% have already filed their flight plans.

The Chair: Thank you, Mr. Barsalou-Duval.

Thank you, Mr. Girard.

[English]

Next we have Mr. Bachrach.

Mr. Bachrach, you have the last round of two and a half minutes. The floor is yours.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

I'll pick up where my colleague left off with Mr. Girard.

As part of previous studies, this committee has heard about staffing shortages at Nav Canada. I assume the closure of Canadian airspace would put additional responsibilities and duties onto Nav Canada personnel?

Does Nav Canada have adequate resources to monitor Canadian airspace, particularly in remote regions such as the Arctic?

Mr. Ben Girard: Let me make two statements, the first one being that staffing has absolutely nothing to do with this monitoring and implementation of a NOTAM. Nav Canada—at the time and since then—has the staff required to implement and enforce the NOTAM.

Mr. Taylor Bachrach: Okay. Thank you.

For the Transport Canada officials, we've had several questions at this meeting about the various ownership structures in relation to both the shipping ban and the closure of Canadian airspace. I'm wondering if someone can speak to thresholds and definitions, given that the ownership structures both in the aviation industry and in the shipping industry can be quite complex when it comes to the countries involved.

Are there certain percentage ownerships that trigger thresholds? Is this a discretionary process? Or are there specific definitions that come into play in enforcing these various sanctions?

Mr. Marc-Yves Bertin: Thank you, Mr. Chair.

I'm happy to get the answer started off. Perhaps my colleagues will supplement on the air side

From a marine perspective, we are talking about measures that were taken under the Special Economic Measures Act. In that act and in the regulation on the vessel ban, the legal terminology is one with respect to "in whole or in part". I can offer that in terms of clarification.

However, how that ultimately comes to be dealt with in the context of a decision is something that I would have to leave to my colleagues at Global Affairs Canada.

The Chair: Thank you very much, Mr. Bachrach.

Thank you very much on behalf of all committee members to our witnesses for appearing today and for your time. It's always greatly appreciated.

This concludes today's meeting. Thanks very much.

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