

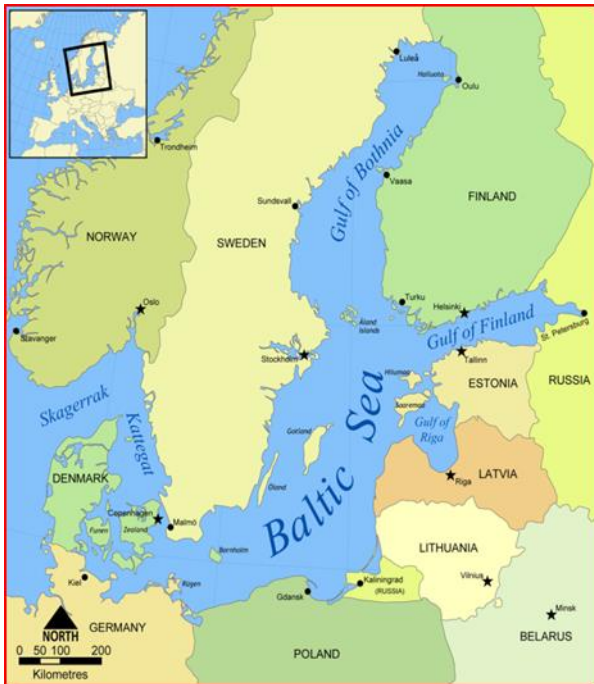


# EUR OPS BULLETIN

Serial Number: 2017\_001

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Subject: Principles and best practices in case of air encounters, especially in the High Seas airspace commonly shared by civil & military aviation over the Baltic Sea



The common use of airspace and of certain facilities and services by civil and military aviation shall be arranged so as to ensure the safety, regularity and efficiency of civil aviation as well as to ensure that the requirements of military air operations are met. As airspace is a shared resource for civil and military aviation activities and the assurance of safety is paramount for all involved aviation stakeholders.

Civil and military aviation authorities should share best practices with a view to promote a common understanding of the described principles and their practical implementation. States should also share national policies and regulations in order to raise the awareness and enhance the understanding of military aircraft operations from all the aviation stakeholders involved.

This bulletin provides considerations for safety risk management and outlines best practices for the handling and resolution of air encounters between aircraft, both civil and military, in peacetime.

## Regulatory framework

- While each state has exclusive sovereignty over the airspace above its territory and territorial waters, the High Seas are open to all States (UN Convention on Law of the Sea);
- Military aircraft, as part of State aircraft, are not bound by the Convention on International Civil Aviation, which established the International Civil Aviation Organisation (ICAO) and sets up standards and recommended practices (SARPS) for civil aviation at global level.

*Note: Further guidelines are available in the EUR OPS Bulletin 2015/002 (Guidelines to airspace users in order to raise their awareness on State aircraft operations especially in the High Seas airspace over the Baltic Sea) and EUR Doc 032*

## General considerations

- Safety is paramount regarding all air operations for both civil and military airspace users as well as air navigation service providers;
- Where applicable, military aircraft respect the provisions of the Code for Unplanned Encounters at Sea (CUES) related to air incidents;
- All aircrews shall ensure a safe distance to any other aircraft, obstacles or the ground/sea in all phases of the flight;
- To determine safe distance, all aircrews shall comprehensively consider national rules, relevant international guidance, meteorological conditions, flight rules, aircraft performance, situation and the type of operation;

- In addition to the provisions from the *ICAO Manual concerning Interception of Civil Aircraft (MICA) (Doc 9433)*, the pilots in command of involved aircraft, in case of an interception for the purpose of identification, verification or escort, will operate in the interest of common safety, maintaining safe distance/separation and avoiding reckless manoeuvres that could be interpreted as provocative;
- Any aircraft involved in an encounter in the air should, in the interest of flight safety, conduct active communications as much as practicable, and the communication should include, as a minimum:
  - the clarification of identity;
  - the aircraft manoeuvring intentions;
  - the events in progress or planned events that could impact air safety;
  - any emergency or other critical flight status information.



### **Best practices for the handling and resolution of air encounters between civil and military aircraft in peacetime**

- The pilot in command is solely responsible for judging whether the safe conduct of his flight is endangered by another aircraft that has a right to operate in the same airspace. This judgement should balance the perceived risk of an air encounter against the likelihood of a real incident. Therefore,
  - **Civil aircrews should consider:**
    - The different regulatory framework for flights over sovereign airspace which are mostly conducted in controlled airspace and for the flights conducted over High Seas airspace;
    - The use of all available means (i.e. traffic advisories, Radio Communications) or methods (i.e. see-and-avoid) to minimise the risk of collisions;
    - The application of the principles of airmanship and the Rules of Air (ICAO Annex 1 and Annex 2).
  - **Military aircrews should consider the potential consequences before engaging in actions that could be misinterpreted. The actions that aircrews generally avoid include:**
    - Unreasonable actions that prevent other aircraft to manoeuvre safely including launch and recovery;
    - Approaching other aircraft at an excessive/high closure rate;
    - Use of FCR (Fire Control Radar) at (very) close range in such a manner which could be misconstrued as preparation for weapons deployment;
    - Use of lasers in such a manner as to cause harm to personnel or damage equipment on board other aircraft;
    - Except in the case of distress, the discharge of signal rockets, weapons or other objects in the direction of other aircraft
  - **Air Traffic Control should consider:**
    - To share all available information of all known traffic to adjacent ATC units;
    - When necessary, provide traffic information of non-identified traffic to all affected aircraft under control according to national rules and regulations.



## ***Notice***

The purpose of the European Operations Bulletin **2017\_001** is to promulgate principles and best practices in case of air encounters especially in the High Seas airspace over the Baltic Sea, commonly shared by civil & military aviation stakeholders.

This Bulletin is incorporating the results from the Civil Military Expert Group Meetings for the enhancement of safety over the Baltic Sea, organised and hosted by the Finnish Transport Safety Agency (Trafi) in 2017. It was presented and endorsed at the 59<sup>th</sup> Meeting of the European Air Navigation Planning Group in November 2017.

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