



**WORKING PAPER**

**ASSEMBLY — 40TH SESSION**

**TECHNICAL COMMISSION**

**Agenda Item 30: Other issues to be considered by the Technical Commission**

**ATM ASPECTS AND SAFETY ISSUES IN THE SIMFEROPOL FIR**

(Presented by Ukraine)

**EXECUTIVE SUMMARY**

This working paper (WP) provides an overview of the current situation on air traffic management (ATM) aspects and safety issues in Simferopol flight information region (FIR), in particular in the airspace over the High Seas where responsibility for air traffic services (ATS) is delegated to Ukraine as well as a step forward for normalisation of flight operations.

**Action:** The Assembly is invited to:

- a) take note of the information presented in this paper;
- b) support efforts undertaken by Ukraine in close cooperation with international organizations and other State aviation authorities towards normalisation of flight operations in the airspace over the High Seas within the Simferopol FIR as potential to move forward and to find acceptable solution for normalisation of traffic flows within the High Seas airspace;
- c) call upon the Russian Federation to strictly adhere to the Chicago Convention, its Annexes and withdraw aeronautical information publications of the Russian Federation related to the airspace within Simferopol FIR, in particular over the High Seas; and
- d) agree that ICAO shall undertake effective measures to hold accountable Member States which violate the Chicago Convention and its Annexes, including interference into air navigation services (ANS) provision in the international airspace which is under the responsibility of another Member State.

<i>Strategic Objectives:</i>	This working paper relates to the Safety and Air Navigation Capacity and Efficiency Strategic Objectives.
<i>Financial implications:</i>	None.

<p><i>References:</i></p>	<p><i>Convention on International Civil Aviation (Doc 7300)</i> <i>Annexe 11 — Air Traffic Services</i> <i>Annex 15 — Aeronautical Information Services</i> <i>The United Nations General Assembly Resolution 68/262 —Territorial integrity of Ukraine</i> <i>ICAO Council Decision of 17 February 1997 No. EUR/NAT96/38-ATS</i> <i>European Air Navigation Plan (Doc 7754)</i> <i>AN-Conf/13-WP/245</i> <i>Report of 13<sup>th</sup> Air Navigation Conference</i> <i>ICAO State letter EUR/NAT 18-0590.TEC (NAE/CUP), 03 December 2018</i> <i>EANPG Decision 58/01 – Update the EUR Region Air Navigation Deficiencies Table AIC 02/18 published by Ukraine</i> <i>Publication by Ukraine: Safety case regarding provision of air navigation services within Ukrainian airspace and airspace over the High Seas where the responsibility for ATS is delegated to Ukraine by international agreements</i> <i>Publication by Ukraine: Post Implementation Monitoring on safety and utilization of ATS routes available for flight planning within airspace over the High Seas where the responsibility for ATS is delegated to Ukraine by international agreements</i></p>
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## 1. INTRODUCTION

1.1 Ukraine strongly supports ICAO's adherence to ensuring safety, security and efficiency of international civil aviation and considers that strict observance of the Convention on International Civil Aviation (Chicago Convention) and its Annexes, ICAO documents as well as United Nations General Assembly resolutions is of utmost importance for all ICAO Member States, the stakeholders of aviation community in the modern challenging environment.

1.2 However, international civil aviation has faced with a situation where one of the ICAO Member States does not observe fundamental provisions of the Chicago Convention as well as ICAO Annexes that cause potential risks for international air navigation.

## 2. SIMFEROPOL FIR

2.1 Simferopol FIR includes the sovereign airspace of Ukraine and the airspace over the High Seas. The responsibility for provision of air traffic services (ATS) over the High Seas within Simferopol FIR was delegated to Ukraine by regional air navigation agreements as approved by ICAO Council Decision of 17 February 1997 No. EUR/NAT96/38-ATS, that was prescribed by the European Air Navigation Plan (Doc 7754) and is now incorporated into the EUR electronic Air Navigation Plan (eANP). Therefore, Ukraine is the sole internationally recognized State responsible for provision of ATS within Simferopol FIR and for publishing aeronautical information concerning this FIR.

2.2 In April 2014, the Russian Federation on a unilateral basis and in contradiction to the Convention on International Civil Aviation, ICAO Standards and European Air Navigation Plan (EUR eANP) announced that airspace in the Simferopol FIR, including airspace over the High Seas, is under the responsibility of the Russian Federation.

2.3 As a result, the Russian Federation continues issuing aeronautical information regarding Simferopol FIR, carries out hazardous activities without proper coordination with Ukraine and attempted to interfere with ATS provided by Ukraine. It should be noted, that such actions of the Russian Federation extend beyond the sovereign airspace of Ukraine onto the international airspace over the Black Sea, which is contradictory to the Chicago Convention, its Annexes 11, 15 and the ICAO EUR eANP and may be hazardous for flights within the international airspace over the High Seas under the responsibility of Ukraine.

2.4 The abovementioned actions taken by Russian Federation led to a significant reduction of efficient airspace utilisation as the AOs often prefer longer routes avoiding Simferopol FIR. Such reconfiguration of air traffic flows prompted capacity and air traffic control (ATC) workload issues in the adjacent FIRs. In connection with continuous growth of traffic this presents a challenge not only for Ukraine, but for the whole network.

2.5 Nevertheless, Ukraine makes sustained efforts in order to resume normal flight operations in the High Seas airspace over the Black Sea including the following:

- a) guided by its right under Articles 1, 2, 9 (a, b) without distinction of nationality to all States, Ukraine established prohibited area UKP35 (SFC–UNL) over the Autonomous Republic of Crimea including territorial waters;

- b) organized continuous provision of ATS within the Simferopol FIR from adjacent Ukrainian ATM Centres located in Odesa and Dnipro in strict compliance with ICAO Annex 11;
- c) in close cooperation with EUROCONTROL and other aviation stakeholders developed the safety case containing evidence and risk mitigation measures to ensure acceptance of risks related to the provision of air navigation services within the airspace over the High Seas where the responsibility for ATS is delegated to Ukraine (safety case);
- d) demonstrated to aviation community that Ukraine does not have any technical and procedural problems with service provision in the airspace under its responsibility;
- e) implemented special procedures for flight planning and use of four ATS routes using phased approach towards the normalization of flight operations over the High Seas in Simferopol FIR;
- f) has been continually conducting post-implementation monitoring (PIM) of the abovementioned special procedures that proves the effectiveness of applied risk mitigation. ATS airspace over the High Seas is in regular use by aircraft operators of different States and regions. More than 77 000 (by June, 2019) flights operated during post-implementation monitoring; and
- g) established information exchange mechanism with the European Union Aviation Safety Agency (EASA), at least once a month, regarding detailed outcomes of the PIMs as mentioned in the point “f)” above.

2.6 Ukraine takes an active stance in the international arena and closely cooperates with international organizations and State aviation authorities in order to normalize air traffic flows over the High Seas within the Black Seas area. From the latest updates:

- a) During the 13<sup>th</sup> Air Navigation Conference Ukraine presented a working paper in which provided an overview of ATM aspects within Simferopol FIR, relating to the safety of international civil flights. The Committee was also informed of the ongoing work of the ICAO European Air Navigation Planning Group (EANPG) Black Sea Task Force being used to further explore potential solutions for the normalization of flight operations. This included a potential phased approach to help ease the traffic flows, capacity and ATC workload issues in the adjacent FIRs. The Committee appreciated the commitment of all States to comply with the Chicago Convention and its Annexes, to cooperate to ensure the safety of flight operations in the High Seas airspace over the Black Sea and to refrain from any actions that might directly or indirectly affect the safety of operations.
- b) It should be noted, that a proposal by the Russian Federation regarding the necessity of a technical audit (assessment) of the Black Sea adjacent States’ capabilities to provide full air navigation services for the Simferopol FIR, including search and rescue operations in this region and amending the European Air Navigation Plan, were not supported by the Conference.

- c) ICAO issued letter EUR/NAT 18-0590.TEC (NAE/CUP) with regard to update information being promulgated related to aircraft operations in the Simferopol and Dnipro FIRs. This letter replacing letters EUR/NAT 15-0420.TEC (FOL/CUP) of 18 August 2015 and EUR/NAT 14-0243.TEC FOL/CUP) of 02 April 2014. ICAO recalls the procedures promulgated by Ukraine via an aeronautical information circular (AIC) as well as a series of NOTAMs that took effect on 27 August 2015 in an effort to support safe operations on a limited number of ATS routes in the western part of the Simferopol FIR. Along with this letter ICAO reaffirms that in accordance with the ICAO EUR eANP, Ukraine is responsible for the provision of air navigation services and recommends AOs consider this, and other pertinent information, to reassess flight safety risk in the areas concerned.

### 3. CONCLUSION

3.1 Aeronautical information publications of the Russian Federation related to the airspace of Simferopol FIR, in particular over the High Seas, contradict ICAO Annexes 11 and 15 (as also recognised by the EANPG Decision 58/01) and are the main causes preventing efficient utilisation of Simferopol FIR.

3.2 Ukraine continues safe provision of air navigation services and implements step by step actions to normalize air traffic flows over the High Seas within the Simferopol FIR in the interests of international civil aviation. However, we believe that consolidated efforts will greatly facilitate normalization of flight operations in the specified regions.

3.3 Ukraine takes necessary measures based on safety arguments to safeguard the safety of air navigation and continues proper service provision within the airspace under the responsibility of Ukraine in full compliance with the Chicago Convention, ICAO Standards and Recommended Practices (SARPs) and international agreements.

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