



THIRTEENTH AIR NAVIGATION CONFERENCE

Montréal, Canada, 9 to 19 October 2018

COMMITTEE A

Agenda Item 3: Enhancing the global air navigation system

3.5: Other ATM issues

ATM ASPECTS WITHIN SIMFEROPOL AND DNIPROPETROVS'K FIRs

(Presented by Ukraine)

EXECUTIVE SUMMARY

This paper presents the current situation on air traffic management (ATM) aspects within airspace under responsibility of Ukraine relating to conflict zones airspace management and situation when one of the ICAO Member States does not observe provisions of the Chicago Convention.

Action: The Conference is invited to support Ukrainian efforts in paragraph 3.

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 UN Resolutions is of utmost importance for all ICAO Member States, the stakeholders of aviation community in the modern challenging environment.

1.2 The current system of responsibilities for the safeguard of civil air traffic faces new challenges of a hidden and often barely predictable nature. A very thoughtful risk assessment associated with flying over conflict zones becomes a top priority in today's civil aviation reality. Ukraine has its own considerable experience relating to the conflict zones airspace management. These zones still exist within the sovereign airspace of Ukraine. Moreover, Ukraine faced with the situation when 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 flight operations.

2. DISCUSSION

2.1 For the time being, there are two portions of airspace within Ukrainian sovereign territory that could be considered as conflict zones:

- a) prohibited area in the eastern Ukraine is established within Dnipropetrovs'k flight information region (FIR) and Simferopol FIR; and
- b) prohibited area UKP35 is established within Simferopol FIR, over the temporary occupied territory of the Autonomous Republic of Crimea.

2.2 Relevant public aeronautical information related to the civil flight operations over or near conflict zones is promulgated by aeronautical information service (AIS) publications of Ukraine and provided on a voluntary basis by the State Aviation Administration of Ukraine on its official web-site (www.avia.gov.ua).

2.3 Dnipropetrovs'k FIR

2.3.1 Ukraine has established a prohibited area which covers the entire airspace over the ongoing conflict zone in the eastern part of Ukraine and the buffer zone set for 120 km from the line of contact in order to provide flight safety for civil aircraft and to prevent operations of civil aircraft over the conflict zone. Another part of Dnipropetrovs'k FIR outside of that prohibited area is available for safe civil flight operations.

2.3.2 Ukraine applies measures to protect civil aircraft operations in accordance with Article 9 of the Convention on International Civil Aviation, Annexe 11 — *Air Traffic Services*, Annex 15 — *Aeronautical Information Services*, Annex 17 — *Security — Safeguarding International Civil Aviation against Acts of Unlawful Interference*, Annex 19 — *Safety Management*, ICAO *Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations* (Doc 9554), *Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones* (Doc 10084), *Manual on Civil-Military Cooperation in Air Traffic Management* (Doc 10088) (in preparation) and other documents, which include:

- a) collection of relevant information;
- b) threat analysis and hazard identification;
- c) risk assessment;
- d) mitigation actions;
- e) publication of the relevant information; and
- f) monitoring of the applied measures.

2.3.3 In order to determine the area which is hazardous to civil aircraft operations the following methods are applied in Ukraine:

- a) assessment of the type of military operations;
- b) determination the geographical area of the conflict;
- c) determination of the weapons that have been identified in the area of the conflict;
- d) location of the military combat units and its weapons that are involved in armed conflict;
- e) determination of the maximum affected vertical and horizontal range of the weapons;
- f) determination of the area which is affected by weapons as a sum of determined geographical conflict area dimensions and affective vertical and horizontal range of weapons; and

- g) determination of the buffer taking into consideration national requirements regarding segregation of dangerous activities from civil aircraft operations, possible changes of military operations and time needed for proper modification of airspace restrictions.

2.3.4 Ukraine is constantly taking measures aimed at improvement of the civil-military coordination, in particular its technical component with regard to direct communication, flight planning and surveillance data exchange. Therefore, the “threat early warning” procedure is established. The aim of this procedure is an immediate reaction on identified threats (potential threats) arising from the conflict zone as it was mentioned in paragraph 1.2 of this paper.

2.3.5 Additionally, Ukraine carries out permanent analysis and assessment of the information regarding situation near and within area of conflict to ensure that established airspace restrictions as well as applied measures protect civil aircraft operations.

2.4 **Simferopol FIR**

2.4.1 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. Ukraine is the sole internationally recognized State responsible for provision of ATS within Simferopol FIR and therefore is responsible for publishing aeronautical information concerning this FIR.

2.4.2 After the Simferopol air traffic management (ATM) centre had been seized by the Russian Federation in March 2014, Ukraine organized provision of ATS over the High Seas within Simferopol FIR from the adjacent Ukrainian ATM Centres in Odesa and Dnipropetrovsk. This transition of ATS was a forced measure taken by Ukraine in strict compliance with Annex 11 aimed to ensure continuation of the ATS provision. Relevant information regarding the operations of Simferopol ACC was removed from AIP Ukraine and the European Air Navigation Plan (ICAO Doc 7754).

2.4.3 Meanwhile, the Russian Federation continues issuing aeronautical information regarding Simferopol FIR, carries out hazardous activities without proper coordination with Ukraine and attempts 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 ICAO Doc 7754 and are potentially hazardous for flights within the international airspace over the High Seas under the responsibility of Ukraine. The abovementioned Russian Federation actions led to a significant reduction of efficient airspace utilisation as the AOs often prefer longer routes avoiding Simferopol FIR.

2.4.4 Ukraine makes sustained efforts in order to resume normal flight operations in the High Seas airspace over the Black Sea. Ukraine in close cooperation with EUROCONTROL has developed and issued the “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” (Safety Case). Safety Case contains the main conclusion that Ukraine has no technical and procedural problems for the air navigation services provision in the airspace under its responsibility.

2.4.5 Ukraine, in accordance with the approach stipulated in Safety Case, published special procedures for the gradual availability for flight planning and use of four ATS routes over the High Seas within southwestern part of Simferopol FIR, which came into force on 27 August 2015. All other segments of existing ATS routes within Simferopol FIR over the High Seas are not available for flight planning.

2.4.6 Moreover, Ukraine is continually conducting post-implementation monitoring (PIM) of the above mentioned special procedures. PIM demonstrates that all hazards described in the Safety Case have acceptable level of risk. Applied risk mitigation measures proved their effectiveness. No additional mitigation measures were applied. ATS airspace over the High Seas is in regular use by aircraft operators of different States and regions. More than 51 000 flights operated during post implementation monitoring.

2.4.7 However, the Russian Federation continues:

- a) to issue aeronautical information regarding Simferopol FIR; and
- b) attempting to interfere to the ATS provided by Ukraine.

2.4.8 Ukraine takes an active position on international level aiming at normalisation of air traffic flows over the Black Sea within Simferopol FIR. During the Black Sea Task Force (BSTF) meetings Ukraine provided solid arguments based on internationally recognised facts and suggested the way forward. This way assumes withdrawal of all Russian Federation publications regarding the High Seas portion of Simferopol FIR. Unfortunately, no consensus was found on the scenarios proposed within the BSTF Terms of References for the Black Sea High Seas.

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 European Air Navigation Planning Group (EANPG) Decision 58/01) and are the main cases preventing efficient utilisation of Simferopol FIR.

3.2 Ukraine takes all 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.

3.3 Taking into account:

- a) ICAO Council Decision on 17 February 1997 (ref. no. EUR/NAT 96/38-ATS);
- b) European Air Navigation Plan (Doc 7754);
- c) UN Resolution A/RES/68/262 "Territorial integrity of Ukraine"; and
- d) EANPG Decision 58/01 – Update of the EUR Region Air Navigation Deficiencies Table “That, the Russian Federation be included into the EUR Region Air Navigation Deficiencies Table for non-observance of ICAO Annex 11 items 2.1.2, 2.1.3 and ICAO Annex 15 item 2.1.2.”

3.4 Ukraine requests ICAO to call for 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.

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