



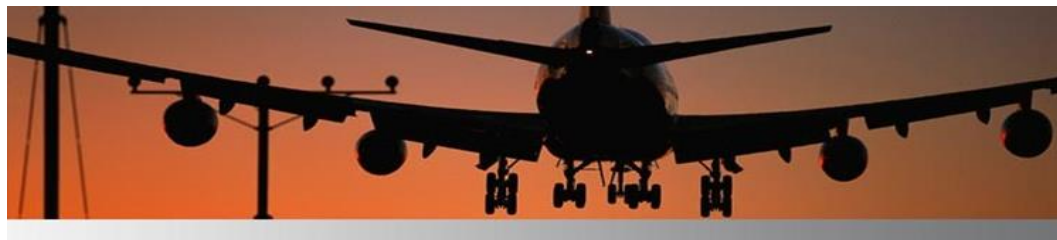
INTERNATIONAL CIVIL AVIATION ORGANIZATION

A United Nations Specialized Agency

ICAO global provisions regarding aircraft operations

ICAO Civil/Military Cooperation Symposium

Paris, France, 14 - 15 April 2015



ICAO European and North Atlantic Office

The Chicago Convention

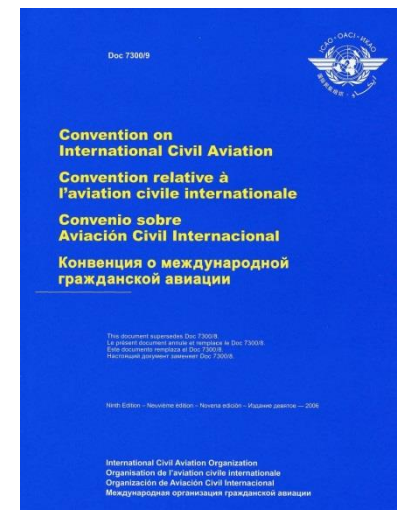


- **Chicago Convention**

Four sections, 96 articles.

- **Part 1 – Air Navigation**
- **Part 2 – The International Civil Aviation Organization**
- **Part 3 – International Air Transport**
- **Part 4 – Final Provisions**

CONVENTION
ON
INTERNATIONAL
CIVIL AVIATION
DONE
AT CHICAGO
ON THE
7TH DAY OF DECEMBER
1944



The Chicago Convention



- **Chicago Convention (ICAO Doc 7300)**

- Part 1 – Air Navigation (main concepts)

- Sovereignty**

- The contracting States recognize that every State has **complete and exclusive sovereignty over the airspace above its territory** (Art.1)

- Territory**

- For the purposes of this Convention the territory of a State shall be deemed to be the **land areas and territorial waters** adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State (Art. 2)

- Civil and State aircraft (Art. 3)**

- a) This **Convention** shall be applicable only to civil aircraft, and **shall not be applicable to state aircraft**.

- b) Aircraft used in **military, customs and police services** shall be deemed to be state aircraft.

- c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without **authorization by special agreement** or otherwise, and in accordance with the terms thereof.

- d) The contracting States undertake, when issuing regulations for their state aircraft , that they will have **due regard for the safety of navigation of civil aircraft**

The Chicago Convention



- **Chicago Convention (ICAO Doc 7300)**

- **Part 1 – Air Navigation (main concepts)**

Every State must “**refrain from resorting to the use of weapons against civil aircraft in flight**” and that, in case of **interception**, lives and aircraft must not be endangered (**Art. 3 bis**, Assembly amendment 10 May 1984)

Rules of the Air

Each State “undertakes to adopt **measures ensuring** that “every aircraft flying over or maneuvering within its territory and every aircraft carrying its nationality mark shall comply with the rules and regulationsin force” (**Art.12**)

Each State “undertakes to keep its own regulations in these respect **uniform**, to the greatest possible extent, with those established from time to time under this Convention

Over the high seas, the rules in force shall be those established under this Convention

The Chicago Convention



- **Chicago Convention (ICAO Doc 7300)**

- **Part 1 – Air Navigation (main concepts)**

- Adoption of international standards and procedures**

- “Each contracting State undertakes to collaborate in securing the **highest practicable degree of uniformity** in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation”

- “To this end the **International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices** and procedures” dealing with communication systems and air navigation aids, including ground marking, characteristic of airports and landing areas, rules of the air, licensing, airworthiness.....and such other matters concerned with the safety, regularity and efficiency of air navigation.... (Art. 37)

- STANDARD**

- Any specification the uniform application of which is recognized as **necessary** for the safety or regularity of international air navigation

- Initial set of 12 Draft Technical Annexes to the Convention

ICAO Annex 2 and 11



- **Annex 2 (Rules of the Air)**

- **3.8 (and Attachment A) Interception of Civil Aircraft**

- **Interception of civil aircraft** shall be governed by appropriate regulations and administrative directives issued by Contracting States in compliance with the Convention on International Civil Aviation, and in particular Article 3(d) under which Contracting States undertake, when issuing regulations for their State aircraft, to have **due regard for the safety of navigation of civil aircraft** (Art. 3.8.1)

- **Annex 11 (Air Traffic Services)**

- **2.17 Coordination between military authorities and air traffic services**

- 2.17.1 Air traffic services authorities shall establish and maintain close cooperation with military authorities responsible for activities that may affect flights of civil aircraft.

- 2.17.2 Coordination of activities potentially hazardous to civil aircraft shall be effected in accordance with 2.18.

- 2.17.3 Arrangements shall be made to permit information relevant to the safe and expeditious conduct of flights of civil aircraft to be promptly exchanged between air traffic services units and appropriate military units

- **Annex 11 (Air Traffic Services)**

2.18 Coordination of activities potentially hazardous to civil aircraft

2.18.1 The arrangements for activities potentially hazardous to civil aircraft, whether over the territory of a State or over the high seas, shall be coordinated with the appropriate air traffic services authorities. The coordination shall be effected early enough to permit timely promulgation of information regarding the activities in accordance with the provisions of Annex 15.

2.18.2 The objective of the coordination shall be to achieve the best arrangements which will avoid hazards to civil aircraft and minimize interference with the normal operations of such aircraft

2.18.3 The appropriate ATS authorities shall be responsible for initiating the promulgation of information regarding the activities

2.18.4 Recommendation.— If activities potentially hazardous to civil aircraft take place on a regular or continuing basis, special committees should be established as required to ensure that the requirements of all parties concerned are adequately coordinated.

2.18.5 Adequate steps shall be taken to prevent emission of laser beams from adversely affecting flight operations

2.18.6 Recommendation.— In order to provide added airspace capacity and to improve efficiency and flexibility of aircraft operations, States should establish procedures providing for a flexible use of airspace reserved for military or other special activities. The procedures should permit all airspace users to have safe access to such reserved airspace.

ICAO Procedures for Air Navigation Services



- **ICAO Doc 4444 (PANS Air Traffic Management)**

16.1 RESPONSIBILITY IN REGARD TO MILITARY TRAFFIC

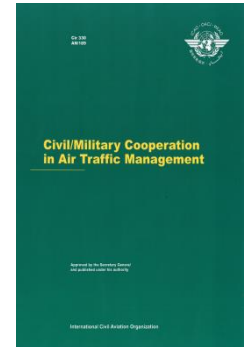
16.1.1 It is recognized that some military aeronautical operations necessitate non-compliance with certain air traffic procedures. In order to ensure the safety of flight operations the appropriate military authorities shall be asked, whenever practicable, to notify the proper air traffic control unit prior to undertaking such manoeuvres.

16.1.2 A reduction of separation minima required by military necessity or other extraordinary circumstances shall only be accepted by an air traffic control unit when a specific request in some recorded form has been obtained from the authority having jurisdiction over the aircraft concerned and the lower minima then to be observed shall apply only between those aircraft. Some recorded form of instruction fully covering this reduction of separation minima must be issued by the air traffic control unit concerned.

16.1.3 Temporary airspace reservation, either stationary or mobile, may be established for the use of large formation flights or other military air operations. Arrangements for the reservation of such airspace shall be accomplished by coordination between the user and the appropriate ATS authority. The coordination shall be effected in accordance with the provisions of Annex 11 and completed early enough to permit timely promulgation of information in accordance with the provisions of Annex 15

- **Civil/Military Cooperation in Air Traffic Management**

- based on the ICAO Doc 9554 (Manual concerning the safety measures relating to military activities potentially hazardous to civil aviation)



Guidance on the ICAO institutional and regulatory framework

1.2.3 As a consequence of Article 3, in particular subparagraph 3 (d), States are required to safeguard navigation of civil aircraft when setting rules for their State aircraft. This leaves it up to the individual State to regulate these operations and services, generating a wide diversity of military regulations. However, especially in congested airspace, harmonized regulation is a precondition for a safe, efficient and ecologically sustainable aviation system.

1.2.4 At the same time, States are aware of the limitations of ICAO SARPs and designated Annexes to the Convention, including PANS and regional supplementary procedures (SUPPs), as they relate to State/military aircraft and their services. Indeed, as seen above, Article 3 of the Convention specifically exempts State aircraft from compliance with articles of the Convention.

- **Civil/Military Cooperation in Air Traffic Management**

- Guidance on airspace organization and management**

- 3.2.3 Meeting future air traffic requirements for increased safety, security, capacity, efficiency, environmental sustainability, and sovereignty depends on effective civil/military coordination

- 3.2.6 The safe and efficient joint use of airspace by civil and military operations rests on understanding and accommodating the airspace requirements of all users on a fair and equitable basis, while respecting State sovereignty and national/international security, defence and law enforcement obligations.

- **Civil/Military Cooperation in Air Traffic Management**

Guidance on State aircraft operations

5.1.1 In accordance with the Chicago Convention, Article 3 (b), “Aircraft used in military, customs and police services shall be deemed to be State aircraft”. In broad terms, the right to access all airspace, within the limits of the operational needs, is a crucial requirement to enable the military, customs and police to perform the security, defence and law enforcement missions mandated by their States and by international agreements. It is, therefore, a fundamental requirement that each State be able to train and operate its State aircraft effectively. In this manner, it is vital for State aircraft to be provided access to sufficient space, enabling adequate opportunities for the training and execution of security, defence and law enforcement elements

5.1.2 In pursuit of their tasks, operators of State aircraft should, where practicable, respect international, regional and State civil aviation legislation and aim for compliancy. However, it is recognized that the nature of the defence and security tasks can create unique situations that need special handling and considerations. In this regard, this chapter will first explain what roles are performed by military and non-military flights under the title of “State aircraft”. It will then highlight circumstances when State aircraft can be fully compliant or partially compliant with international civil aviation rules and procedures, as provided for in ICAO SARPs, and the general expectations for handling such aircraft by an air navigation service provider (ANSP).

2nd High Level Safety Conference



- As part of HLSC/15 Theme 1 (Reviewing the current situation) a joint WP was presented that addressed the civil military coordination aspects
- WP/82, presented by Sweden, Canada, Denmark, Finland, the Netherlands, Poland, United Kingdom and EUROCONTROL presented views for strengthening the coordination between civil and military operations over the high-seas in all types of airspace. There was strong support and agreement by the conference to call upon States' responsibility to ensure the safety of civil aircraft through civil military coordination as outlined in the ICAO circular on *Civil/Military Cooperation in Air Traffic Management (Cir 330)*. The conference also encouraged updates to Cir 330 on a regular basis.
- Consequently, as part of HLSC/15 Conclusion 2/1 it was agreed that
 - e) States should ensure the safety of civil aircraft through civil military coordination as outlined in the ICAO circular *Civil / Military Cooperation in Air Traffic Management (Cir330)* and should update that Circular on a regular basis.(see also recommendation I) for ICAO to support States in this exercise)



ICAO ATMOPS Panel



- The Air Traffic Management Operations Panel (ATMOPSP) has its first meeting at ICAO HQ in Montreal, Canada from 13- 17 April 2015
- ATMOPSP is responsible for advancing ICAO provisions on the subjects of Air Traffic Flow Management (ATFM), Airport Collaborative Decision Making (A-CDM) and Flexible Use of Airspace (FUA)
- A specific task has been given to ATMOPSP for a content review of the ICAO Circular Civil/Military Cooperation in Air Traffic Management (Circular 330) and to update this Circular 330 with a view to upgrade it to an ICAO manual
- Many deliverables are expected to carry an applicability date of November 2018, which entails a completion of the panel proposal for amendment in January 2017. The ATFM and A-CDM manuals, which are instrumental to support implementation, need to be released as soon as practicable. Associated amended standards would be needed in time for an applicability date of November 2018. The completion of the work of the *Circular 330* is due in November 2016

Unique window of opportunity to include the conclusions/ recommendations of this symposium into the work of the ATMOPS Panel and into the new ICAO Manual

Thank You

