



ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 22: Other high-level policy issues to be considered by the Executive Committee

ICAO POLICIES AND PROCEDURES FOR ASSIGNING THE SIGNIFICANT SAFETY CONCERN STATUS (SSC)

(Presented by the Russian Federation)

EXECUTIVE SUMMARY

The working paper contains proposals and recommendations related to the policy of the International Civil Aviation Organization (ICAO) to ensure equality of opportunity for ICAO Member States in international air transport services through politically unbiased process of assigning the Significant Safety Concern (SSC) status based solely on technical considerations and transparency in the publication of the SSC status to provide detailed information that constitutes grounds for assigning the SSC status to a State.

Action: The Assembly is invited to:

- a) note the unprecedented situation related to the assignment and preservation of the SSC status to the Russian Federation for political reasons; and
- b) approve the draft Resolution as presented in the Appendix to this working paper.

<i>Strategic Goals:</i>	This working paper relates to Strategic Goal “Every Flight is Safe and Secure”.
<i>Financial implications:</i>	The ICAO activities described in this working paper are expected to be carried out within the available budget of the Organization for 2026-2028.
<i>References:</i>	Annex 19 - <i>Safety Management</i> Doc 7300/9, <i>Convention on International Civil Aviation</i> Doc 9735, <i>Universal Safety Oversight Audit Programme Continuous Monitoring Manual</i>

¹ English and Russian versions provided by the Russian Federation.

1. INTRODUCTION

1.1 On 15 June 2022, ICAO published Electronic Bulletin No. EB 2022/29 “Posting of a significant safety concern (SSC) — Russian Federation”, which notified of the identification of an “unresolved” SSC by the Russian Federation pertaining to the “dual registration” of aircraft and, accordingly, the validity of radio station licences and certificates of airworthiness issued to those aircraft. The bulletin stipulated a period of 90 days for elimination of the identified deficiency and the submission of corrective actions by the Russian Federation. If the SSC remained unresolved after 90 days, the aforementioned information was declared publicly available.

1.2 In addition, ICAO Circular No. SSC/AIR-01/05-2022/RUS commenting on the abovementioned SSC was issued, which, in addition to concerns about the state of flight safety in Russia, noted the need for immediate and short-term actions to be implemented in the Russian Federation to remedy the “violations” declared by ICAO.

1.3 The ICAO Assembly, Council and Secretariat were provided with information on non-safety-related political motives that had driven the decision to validate the SSC. At the same time, as of 15 September 2022, the so-called “red flag” placed against Russia on ICAO’s flight safety audit results webpage continued to be displayed, confirming by a “standard description” the assignment of SSC status to the Russian Federation. Due to the lack of a definition of the functional scope of the SSC status assignment, the entire scope of “airworthiness of aircraft” (AIR) in Russia had been “red-flagged”.

2. DISCUSSION

Equality of opportunity in the development of Civil Aviation and International Air Transport Services

2.1 The Preamble and Article 4 “Misuse of civil aviation” of the 1944 Convention on International Civil Aviation (the “Chicago Convention”) declaim against the inconsistent use of international civil aviation mechanisms. Flight safety should not be used as a tool of pressure on a State. The attempts to set a precedent for using such a major issue that falls within the competence of ICAO in the interests of a group of Contracting States united by a common goal to prevent equality of opportunity in the development of civil aviation and international air transport services shall be considered unacceptable.

The Russian Federation actions and the SSC posting on the ICAO Portal

2.2 ICAO was informed on the actions taken by the Russian Federation in connection with the assigned SSC status within the established deadline, namely in August 2022. The Russian Federation successfully passed a comprehensive ICAO audit conducted by ICAO team during their visit to Russia in 2014–2015. According to the audit results, the Russian Federation received an effective implementation (EI) rate of 80.69% with no deficiencies with SSC status identified. This rate remains valid to date, ICAO (until February–March 2022) did not approach the Russian Federation for the purpose of conducting another audit. The identification of the current deficiency with SSC status has been carried out regardless of all enquiries and proposals of Russia and without a separate on-site audit. The SSC status has been assigned based on a formal approach, which can be regarded as a politically motivated step that does not reflect the current state of affairs and hampers an adequate assessment of Russia's ability to ensure proper safety oversight.

2.3 Under the circumstances, the genuine reason for the SSC assigning to the Russian Federation appears to be the political motive but not the requirement to comply with ICAO standards and recommended practices or a deviation thereof in the field of flight safety in view of the so-called “dual” registration.

2.4 Amendments to the standards and recommended practices are regularly considered by ICAO in light of the rapid development of global air transport services. In the context of the unprecedented nature of the issue under consideration, there are no procedural obstacles to review and adopt the necessary amendments to the “standard description” which remains unchanged since its adoption by the ICAO Council in 2012 and is invariably used when posting SSC-related information on the ICAO public website.

Flight safety in the Russian Federation

2.5 Thousands of Russian and foreign-made civil aircraft that constitute the fleet of the Russian Federation have only one registration, the Russian one, and these aircraft bear no relation to the so-called “dual” registration, or the SSC status as such. It is noteworthy that this fact was also acknowledged by ICAO Secretary General Mr. Juan Carlos Salazar in his correspondence with the Russian Federation Representative Office to ICAO in September 2022.

2.6 According to the ICAO public website, in 2022 the score for the effective implementation (EI) of the critical elements (CEs) of the State’s safety oversight system in “Airworthiness of aircraft” for the Russian Federation was 77.4%. In ICAO Global Aviation Safety Plan (Doc. 10004, 2023-2025) Goal 2 “Strengthen the States’ safety oversight capabilities” stipulates the EI score of no less than 75% by 2024. Neither before nor after 2022 did any accidents, events or major changes occur in Russian civil aviation that could cast doubt on the aviation industry’s ability to meet ICAO standards in the field of airworthiness.

2.7 The flight safety performance indicators demonstrate the effectiveness of the continuing airworthiness management in the Russian Federation: in 2020–2024, the average number of accidents involving transport category aircraft was 1.6 accidents per million departures, which correlates with the average of 2.0 accidents per million departures in ICAO Member States.

States cooperation under the aegis of the United Nations

2.8 On 27 September 2024, in New York, on the sidelines of the 79th session of the United Nations General Assembly, at the sixth Ministerial meeting of the Group of Friends in Defense of the Charter of the United Nations, ministers of eighteen States², including the Russian Federation, adopted a Political Declaration. The Declaration, among other things, describes and condemns the use of unilateral coercive measures of a discriminatory nature in the field of civil aviation, in particular in aircraft registration³.

2.9 The Declaration indicates that the use of unilateral coercive measures of a discriminatory nature violates the provisions of international law, in particular international air law, including the 1944 Convention on International Civil Aviation, and negatively affects the basic principles of flight safety laid down in the very foundation of the Chicago Convention. The Declaration is a strong signal to the global community indicating the true reasons and implications of the restrictive policy of the Western States. The Declaration sends a clear message that the so-called “dual” registration of aircraft is a direct result of unilateral coercive measures of a discriminatory nature.

² Algeria; Belarus; Bolivia (Plurinational State of); China; Cuba; Democratic People's Republic of Korea; Equatorial Guinea; Eritrea; Iran (Islamic Republic of); Lao People's Democratic Republic; Mali; Nicaragua; State of Palestine; Saint Vincent and the Grenadines; Syrian Arab Republic; Venezuela (Bolivarian Republic of); Zimbabwe.

³ Paragraph 21 of the Political Declaration.

APPENDIX

DRAFT RESOLUTION

Resolution A42-XX ICAO policies and procedures for assigning the Significant Safety Concern (SSC) status

Whereas the main goals and objectives of ICAO are to ensure the safety of international civil aviation on a global basis;

Whereas the future development of international civil aviation can greatly help to create and preserve friendship and understanding among nations and peoples of the world, yet its abuse can become a threat to the general security;

Noting with concern the use of unilateral coercive measures, contrary to international air law, which create additional obstacles to the normal operations of international civil aviation;

Appealing to the Contracting States to follow the spirit and letter of the Chicago Convention in order to create and promote conditions for the development of civil aviation in a safe and orderly manner based on equality of opportunity, rationality and efficiency;

The Assembly:

1. *Urges* the ICAO Member States to combine their efforts and available capabilities to address the legal and institutional challenges of ensuring the safety of international civil aviation on the basis of the Chicago Convention and the general principles of international air law, as opposed to any attempts by individual States or groups of States united by a common intent to politicize the ICAO activities and illegally impose unilateral coercive measures against individual States;
2. *Rescinds* Resolution A41-2 “Infractions of the Convention on International Civil Aviation by the Russian Federation”, the content of which does not correspond to the legal reality and current time events;
3. *Directs* the Council to:
 - a. Assess the consequences for international civil aviation of the unilateral illegal operational restrictions imposed on a number of ICAO Member States in the field of international flight operations, such as the selective closure of airspace for international flights operated by airlines of these States, departure delays and detentions of the aircraft of the States subject to unilateral coercive measures, application of restrictions on the use of fleet based on flight safety considerations, revocation of airworthiness certificates of leased aircraft and denial of access to air navigation aids and meteorological services. Based on the results of the assessment, call upon States to lift all existing restrictions and refrain from introducing them in the future.
 - b. Develop an effective mechanism for cooperation between States to prevent the use of ICAO's technical and legal tools for political purposes, while maintaining the principle of impartiality, openness, transparency and non-discriminatory approach declared by the Chicago Convention.

Appendix

- c. Take the necessary actions to improve the ICAO Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) aimed at preventing politicization of the SSC assignment and publication process in international civil aviation.
- d. Report the results of the work to the next session of the ICAO Assembly.

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