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Experience in the EUR Region and the Baltic Sea Project Team

ICAO Trans-Regional Civil Military Cooperation Workshop

Abu Dhabi, UAE, 9 -12 December 2019



Parliamentary questions
18 November 2014

Question for written answer
to the Commission
Rule 130
English (EN) (EN)

Subject: European aerial safety

Recently, the activity of Russian military planes in European airspace, including in the Baltic Sea region, has risen considerably. Systems switched off and flying in communication with aircraft. This is a direct threat to civil aviation. What action will the Commission already taken, and what further action will it take, in order to guarantee aviation in communication systems are switched off?

Last updated: 12 December 2014

Tag Archives: Russia



Russian air incursions rattle

Broad-based military expansion behind surge in incidents

RUSSIAN MILITARY PLANES THREATEN PASSENGER PLANES NEAR AIRPORTS IN BALTIC SEA REGION

9. dets. 2014

by upaet

Lisa kommentaar

Russian military planes that fly in European air space, including Baltic Sea region, with transponders and communication systems switched off, jeopardize passenger planes. The traffic of Russian military planes has [...]

A SAS plane coming in to

A row has broken out over the Baltic Sea.



A Saab 37 fighter and an RAF Tornado fighter jet

Richard Milne in Oslo, Sam Jones in London and Kathrin Hill in Moscow SEPTEMBER 24, 2014

The Baltic countries are registering a dramatic increase in Russian military

ICAO investigation of Russian jets' flight over Baltic Sea 2014

Danish F-16s, Finnish F-18s and Swedish JAS-39s repeatedly intercept strategic Russian bombers patrolling the waters of Baltic Sea on 14 and

Sweden scrambles plane in Baltic



NATO fighter jets intercept Russian spy plane over Baltic Sea, Latvia says

F-16s intercepted a Russian IL-20 surveillance plane, Latvia's army says. Interceptions in 2014 have now reached 100, three times last year's total, NATO says.

A Jas Gripen. Photo: TT



Parliamentary questions
1 February 2014

Question for written answer
to the Commission
Rule 130
English (EN) (EN)

Subject: Russian incursions into the airspace of a number of EU Member States

It is a well-known fact that Russian military aircraft have recently breached the airspace of a number of EU Member States with their transponders switched off. This has occurred in many EU countries, including Sweden on a number of occasions. These incursions have been reported in the media in Sweden and elsewhere in Europe. Has Sweden called for the EU to take diplomatic action to put a stop to these incursions, and has the Commission taken any action in relation to them?

Original language of question: EN
Last updated: 31 March 2014



When replying, please quote Reference : EUR.NAT 15-0308 TEC (TG HOI) 03 June 2015

Subject : First Meeting EASAC COG Baltic Sea Project Team (BSPT 01, Helsinki, Finland, 2 July 2015)

Action required : See paragraph 4

Dear Madam, Sir,

- 1. I'm pleased to invite you to participate in the first meeting of the EANFG COG Baltic Sea Project Team (BSPT 01) which will be held on 2 July 2015 in Helsinki, Finland. The meeting will take place at: Helsinki Airport Hotel, Lemminkäinen 1, 01510 Espoo, Finland.
2. The BSPT was established by the sixty-second EANFG Coordinating Group Meeting (COG 62) (25-29 May 2015, Lisbon, Portugal) to respond to one of the outcomes of the Civil / Military Co-operation Symposium (14-15 April 2015, Paris, France). The BSPT shall address several of the civil / military co-ordination issues identified in the Baltic Sea area, the Terms of Reference of the BSPT is provided in Attachment A.
3. The BSPT will be chaired by Finland with secretariat support provided by the ICAO EUR.NAT Office. A draft agenda is provided in Attachment B. Practical information regarding the venue, list of recommended hotels and visa requirements for entering Finland, are available in Attachment C. An official dinner will be hosted prior to the start of the meeting, on Wednesday 1st July at 7.30 p.m., the venue will be communicated to the participants in due course.
4. I wish to invite you to nominate your experts, as per attached Terms of Reference, to participate in the work of the BSPT. Please send your nomination as soon as possible, but not later than 18 of June 2015, to the ICAO EUR.NAT Office to the attention of Mr. Sven Halle (shalle@icao.int and copy to icacommnat@icao.int) and to the two focal points for this meeting: Mr Kari Seikkänen (kari.seikkanen@trafi.fi) and Mr Jari Laitio (jari.laitio@trafi.fi), from the Finnish Transport Safety Agency.

Yours sincerely,



Director General of Civil Aviation in the Baltic Sea States

Ref: Annex 3 of the Chicago Convention Subject: SERIOUS SAFETY CONCERN - Occurrences involving civil and military operations over the Baltic Sea

Dear Sir/madam,

The airspace situation over the Baltic Sea is complex with several FIRs and different ATCCs. Due to the high density of civil traffic and an increasing number of uncoordinated military flight operations, we can see that the risk level for civil aircraft is becoming unacceptable. The recent occurrences over the High Seas of the Baltic Sea indicate inadequate civil-military coordination. Military flights encroaching civil flight paths without the necessary safety elements, such as flight plan, ATIS communications or transponder, are hazardous to flight safety. I would like to emphasize the value of an active transponder as an indispensable component of the Traffic Collision Avoidance System, the best safeguard to prevent collisions in the air.

I would like to refer to recent discussions in the ICAO Regional Office, Europe and North Atlantic (EASAC) recognized that there is room for improvement in civil / military arrangements and coordination procedures. They referred to the 2008 ICAO Global ATM Forum on Civil and Military Coordination, where it was noted that, given the acute importance of civil and military aviation, airports should be managed as a continuum and one common issue, with civil / military coordination being imperative, and military ATMCMS systems and services being an integral part of the aviation community.

I can see that these international principles, and a reasonable coordination between nations, are the key elements for lowering the risks at the Baltic Sea area. In my capacity as the Director General of Civil Aviation, I have communicated with the Finnish civil ATIS operator as well as with the military authorities, emphasizing the importance of coordination:
- within the state, between civil and military operators,
- with neighbouring states' ATIS operators.

I would like to encourage you to ensure the effectiveness of coordination:
- between civil and military operators within your state,
- between your ATIS operators and those of the neighbouring states.

I would also appreciate other suggestions:
- on how we could concretely improve flight safety over the Baltic Sea with regard to civil / military arrangements and coordination procedures,
- for actions we should take in suitable aviation forums.

I am looking forward to hearing your views on this important matter. We can also enter this serious safety concern alone. It is of utmost importance that the whole aviation community around the Baltic Sea works together without delay.

Sven Halle, Director General of Civil Aviation, FINLAND

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Executive Directorate Executive Director's Office

Report on occurrences over the high seas involving military aircraft in 2014

In response to the European Commission's DG MOVE letter Ref.: Ares(2014)3979879 - 28/11/2014 sent by the European Commission to the European Aviation Safety Agency on 28 November 2014

Report -ED01-2015-ed03.00-PC-final

Final

<Public circulation>



ICAO Civil/Military Cooperation Symposium, 14 – 15 April 2015

- based on EANPG Conclusion 56/03 – Safety concerns regarding operations involving civil and military aircraft over the High Seas
- in reference to Second High-Level Safety Conference (HLSC 2015) Conclusion 1/2 –....e) States should ensure the safety of civil aircraft through civil/military coordination as outlined in the ICAO Circular 330 (Civil/Military Cooperation in Air Traffic Management) and should update that Circular on a regular basis
- in coordination with the EUROCONTROL initiative to discuss the aspects of improved safety for flight over the High Seas during a workshop in Brussels from 2 to 3 March 2015
- in support of the EASA technical analysis on the occurrences over the High Seas (with a special focus on the Baltic Sea) involving military aircraft in 2014

Over 70 participants from 22 States and 6 international organisations attended the ICAO symposium



ICAO Civil/Military Cooperation Symposium Conclusions

- Clear and consistent view that safety is the prime consideration for all stakeholders, with the overall objective to prevent collisions.
- Recognise the need to ensure the regularity and efficiency of civil commercial operations and the ability of State aircraft to access High Seas airspace.
- General desire to increase predictability of flights operated not in accordance with ICAO provisions.
- Various examples of good practice but lack of a consistent approach leads to potential for confusion and misunderstanding.
- Some confusion around roles and responsibilities.
- No single measure or action that will improve the situation – rather a range of activities involving multiple stakeholders.
- There are a number of different airspace scenarios to be considered (coastal TMA, en-route airspace either in or straddling the territorial limit, oceanic airspace, moving aircraft-carrier type of operations, etc).
- In order to accommodate the growing need for optimised use of airspace, States should always seek to incorporate the different operational airspace user requirements for flight efficiency (Civil) as well as mission effectiveness (Military) reasons



ICAO Civil/Military Cooperation Symposium Conclusions

- ICAO documentation could be improved in a number of areas (eg, update/improve ICAO Circular 330 and merge with refreshed Doc 9554) to provide better ICAO Guidance to States.
- Encourage States to comply with Art 3 requirement and invite them to publish their due regard procedures (...for Operations not conducted in accordance with ICAO Provisions) for enhanced transparency. Provide an easy mechanism for doing this (e.g. a common website).
- Build on existing best practice wherever available.
- Provide guidance on what measures to consider for Operations not conducted in accordance with ICAO Provisions.
- Provide improved guidance on data sharing issues (flight plans, surveillance data).
- Establishment of special Project Team to address State Aircraft Operations in the High Seas airspace (Baltic Sea)



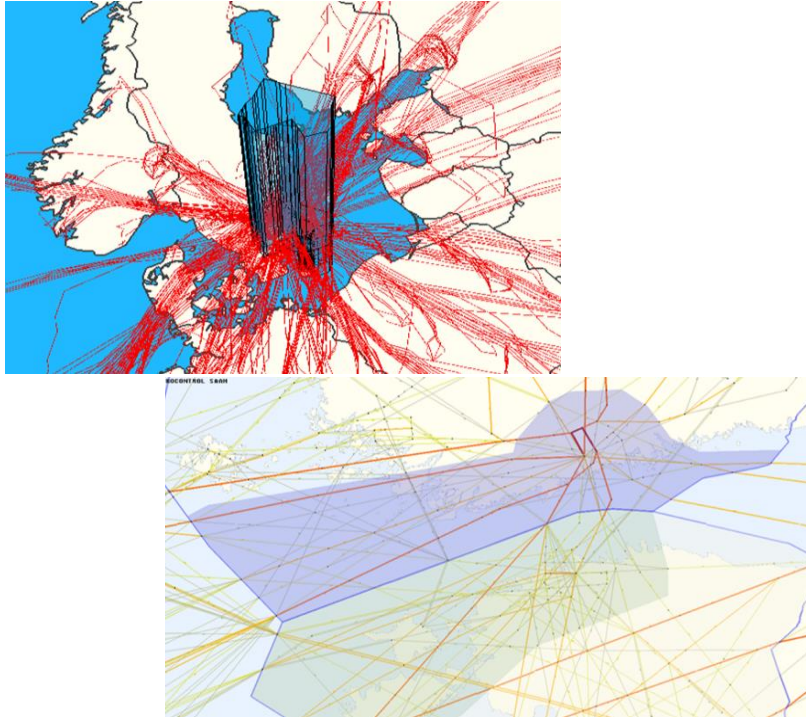
Baltic Sea Project Team BSPT

- As a result from the civ/mil symposium based on the proposals from Finland and Russian Federation
- chaired by Mr. Kari Siekkinen from Finnish Transport Safety Agency with support from ICAO EUR/NAT Office Mr. Sven Halle
- State Letter invitation addressed to operational and technical experts at decision making level from State authorities, civil and military ANSPs and State aircraft operators
- All riparian States (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russian Federation and Sweden) of the Baltic Sea were invited.
- Participation from international organisations (NATO, EASA, EUROCONTROL)
- 3 meetings (Helsinki, Vilnius, Copenhagen) and report back to EANPG/57 in Nov 2015



BSPT identified a number of aspects that would need to be addressed before any potential safety risk could be identified and mitigations proposed:

- Same level of awareness on operational aspects;
- Clear roles and responsibilities, plus good airmanship;
- Collect a list of operational focal points;
- Identification of major traffic flows and crucial areas;
- Enhanced data sharing on cooperative and uncooperative aircraft;
- Clear understanding on reporting of occurrences and harmonisation of reporting provisions;
- Possible use of transponder codes, or FL limitations for State aircraft operations over High Seas;
- Possibility for predefined coordinates for flight planning purposes.

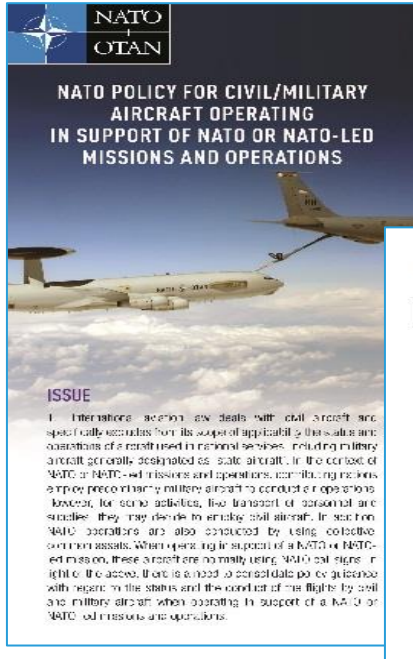


- Within Baltic Sea a number of “**Hot Spots**” exists (especially the Copenhagen/Malmö area and the Helsinki/Tallin area);
- Need to know military activities for flight planning and “collaborative decision making” purposes;
- Address the “perceived inadequate separation” aspect from civilian aircrews.

Sweden and Denmark (Copenhagen/Malmö), Finland/Estonia TMA (Helsinki/Tallin TMA) and Stockholm TMA



- Due to unknown aircraft in same airspace, in certain circumstances, leads to an uncertainty in Air Traffic Service (ATS) provision;
- EUROCONTROL's Integrated Initial Flight Plan Processing System (IFPS) had rejected "**Flight Plans**" for certain flight profiles (e.g. from St. Petersburg to Kaliningrad);
- Common understanding that "Flight Plans" are helpful to raise awareness for air traffic control planning;
- Need for increased cooperation (e.g. non-typical Flight Plans to be sent to all other involved Air Traffic Control Centres.



- Discussed different issues on national “Due Regard” provisions
- States made publicly available their national regulations/provisions regarding operations of State aircraft under Due Regard
- States to publish their national Due Regard regulations/provisions
- Publication of an ICAO EUR OPS Bulletin

<http://www.icao.int/EURNAT/EUR%20and%20NAT%20Documents/EUR%20Documents/EUR%20OPS%20BULLETINS/EUR%20OPS%20Bulletin%202015%200002%20final.pdf>



- **Collaborative data sharing** aspects between civil/military stakeholders on State aircraft operations, to include radar data from civil and/or military sources;
- EUROCONTROL's Civil-Military ATM Coordination Tool supports exchange and display of surveillance and flight plan data between civil and military;
- Use of a special transponder codes discussed, but determined would only be an improvement for cooperative State aircraft operations.



- State aircraft operations (under **due regard**) over High Seas
 - Denmark – defined in a national policy; partially publicly available
 - Estonia, Latvia and Lithuania – regulations are similar to civil operations (compliant to ICAO Annex 2 provisions)
 - Finland – operations under due regard have been published; not yet publicly available
 - Germany – defined in national policy; partially publicly available
 - Poland – operations under due regard are defined in a national policy which is similar to the NATO policy for State aircraft operations
 - Russian Federation – published in national regulations, flights over the Baltic Sea are mix of State aircraft operations and civil aircraft operations (which follow then the same ICAO Annex 2 provisions), regulations are part of the “Air Code of the Russian Federation” and the “Federal Rules of use of airspace of the Russian Federation”
 - Sweden – defined in a national policy; partially publicly available

- Russian Federation, Finland and Estonia agreed to define 7 new waypoints for State aircraft operations over High Seas; instead of the current string of LAT/LONG coordinates, for Flight Plan between St. Petersburg FIR and Kaliningrad FIR
- Check feasibility/legality of radar data sharing
- Identify focal points for civil and (where applicable) military aspects at operational ATS level – 24/7
- Needed an “Awareness Campaign” for flight operations over the High Seas (ICAO EUR OPS-Bulletin)
- Sharing the non-classified information on “Due Regard” operations in ICAO EUR Doc 032
- Presentation of results to NRC (NATO Russia Council) Meeting in September 2016



➤ **Guidelines to airspace users in order to raise their awareness on State aircraft operations especially in the High Seas airspace over the Baltic Sea**

- In Summary.....Over the High Sea only the relevant international law applies
- All States enjoy the freedom to overfly the high seas and so called “passages” (i.e. international straits)
- High seas start outside the territorial sea and the territorial sea extends up to a maximum of 12 NM from the national coastline
- High Seas airspace is not territorial airspace, hence national and/or other legislation DO NOT apply
- ICAO SARPs apply to civil aircraft over the High Seas, but not to State aircraft in military services (‘military aircraft’) or other State aircraft
- States must have due regard for the safety of civil aircraft and must have established respective regulations for national State aircraft

Serial Number: 2015_002 / **Number: 15 December 2015**
Subject: Guidelines to airspace users in order to raise their awareness on State aircraft operations especially in the High Seas airspace over the Baltic Sea

The practical meaning for airspace users that are operating over the High Seas

- While a High Seas aviation State is free to exercise its jurisdiction over the activities of aircraft operating over the High Seas and their associated Airspace Users, it is not entitled to exercise its jurisdiction over the activities of aircraft operating over the High Seas.
- All States enjoy the freedom to overfly the High Seas and so called “passages” (i.e. international straits) over the High Seas and the territorial sea extends up to a maximum of 12 NM from the national coastline.
- The ICAO SARPs apply to civil aircraft over the High Seas, but not to State aircraft in military services (‘military aircraft’) or other State aircraft. When overflying the High Seas, the State aircraft is subject to ICAO SARPs and to the respective regulations for High Seas.

• A State aircraft operating over the High Seas is not subject to ICAO SARPs, but it is subject to ICAO SARPs when operating over the High Seas and the territorial sea extends up to a maximum of 12 NM from the national coastline.

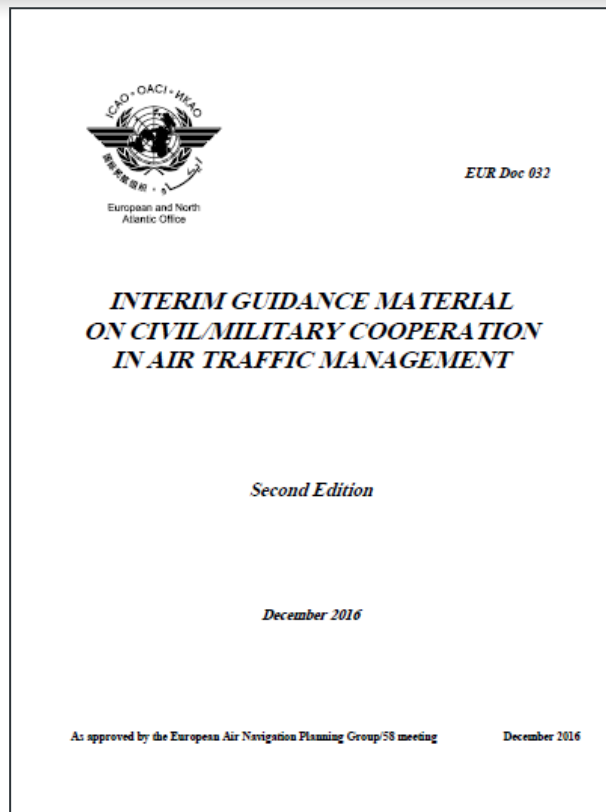
• Civil Air Traffic Control (ATIS) and other services are not available over the High Seas. The only air traffic control service available over the High Seas is the ICAO SARPs.

• All civil aircraft operating over the High Seas are subject to ICAO SARPs and to the respective regulations for High Seas. The State aircraft is subject to ICAO SARPs and to the respective regulations for High Seas.

Additional information by:
 ICAO/OPS Doc 2015_002, ICAO/EUROPE Committee for Air Traffic Management,
 ICAO/EUROPE Doc 2015_002, ICAO/EUROPE Council of Chief State Air Operations in NATO

➤ Interim Guidance Material on Civil Military Cooperation in Air Traffic Management

- Structure of this interim guidance material
- Chapter 1: About this guidance material: describes the purpose and scope of this Interim Guidance Material.
- Chapter 2: Flexible Use of Airspace: describes additional elements of FUA, especially on the application of FUA over the High Seas.
- Chapter 3: Operation of State aircraft under due regard: provides examples from different States and international organisations on the operation of State aircraft over the High Seas.
- Appendix A: EUROCONTROL European Route Network Improvement Plan, Airspace Management Handbook




➤ **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**

- Regulatory Framework
- General Considerations including references to Code for Unplanned Encounters at Sea (CUES) related to air incidents, MICA (ICAO Doc 9433) and Communication principles
- Best practices for the handling and resolution of air encounters between civil and military aircraft in peacetime from the perspectives of :

Civil aircrews


Military aircrews

Air Traffic Control



EUR OPS BULLETIN

Serial Number: 2017 001 Effective: 1 December 2017
 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 Organization (ICAO) and set 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;



- ✓ Joint ICAO – ACAC Civil/Military workshop, March 2018
- ✓ Discussions with European Defence Agency (EDA) including the preparation of working papers on civ/mil cooperation
- Follow up from ANC/13 in Oct/Nov 2018 in regional meetings
- Participation to OSCE Security Days in 2018 and 2019
- Regular presentations to the NATO Aviation Committee

- Discussions with military stakeholders on new requirements within the EUR/NAT Regions (e.g. airspace for exercises, operations in degraded CNS environment)
- Support the Roll Out of the future ICAO Manual in 2020



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