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منظمة الطيران  
المدني الدولي

国际民用  
航空组织

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Mr. T.H.J. Joustra  
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Dutch Safety Board (DSB)  
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Dear Mr. Joustra,

I wish to refer to your letter dated 13 October 2015, reference OvV-15501732, related to an accident which occurred on 17 July 2014 involving a Boeing 777-200, Malaysia Airlines flight MH17, which was involved in an accident in the eastern part of Ukraine. The relevant Final Report contains six safety recommendations addressed to the International Civil Aviation Organization (ICAO).

I am pleased to submit the information related to the above-mentioned safety recommendations in the enclosure.

I trust that the foregoing information meets the intent of the safety recommendations of the Dutch Safety Board.

Yours sincerely,

Stephen P. Creamer  
Director  
Air Navigation Bureau

**Enclosure:**

Response from ICAO to safety recommendations arising  
from investigation of MH17 B-777 accident on 17 July 2014

cc: Representative of Portugal on the Council of ICAO

## ATTACHMENT

### RESPONSE FROM ICAO TO SAFETY RECOMMENDATIONS ARISING FROM INVESTIGATION OF MH17 B-777 ACCIDENT ON 17 JULY 2014

1. **Safety recommendation:** *Incorporate in Standards that States dealing with an armed conflict in their territory shall at an early stage publish information that is as specific as possible regarding the nature and extent of threats of that conflict and its consequences for civil aviation. Provide clear definitions of relevant terms, such as conflict zone and armed conflict.*

ICAO has published comprehensive Standards and Recommended Practices (SARPs) and guidance material on the coordination and promulgation of potential hazards to civil aviation, as well as changes to air navigation services and facilities. These provisions cater for the fact that arrangements for activities potentially hazardous to civil aircraft shall be coordinated with the appropriate air traffic services authorities. The coordination shall ensure timely promulgation of information regarding the activities in accordance with the provisions of Annex 15 — *Aeronautical Information Services*. Furthermore, the *Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations* (Doc 9554) provides additional information to support the safety of air navigation:

ICAO has already included within its work programme tasks to revise Doc 9554, as well as to update information in the document *Civil/Military Cooperation in Air Traffic Management* (Circ 330) and replace it with a manual. Within this context, ICAO will review relevant provisions, aiming at fulfilling this recommendation. The need for clear definitions of relevant terms, such as “conflict zone” and “armed conflict”, will be a component of this review. This work is envisaged to be completed by 2017.

2. **Safety recommendation:** *Ask States dealing with an armed conflict for additional information if published aeronautical or other publications give cause to do so; offer assistance and consider issuing a State letter if, in the opinion of ICAO, States do not sufficiently fulfil their responsibility for the safety of the airspace for civil aviation.*

Under the *Convention on International Civil Aviation* (Doc 7300), States maintain authority over their airspace. ICAO's role is to provide advice to States and circulate details of airspace restrictions, on request. Regarding potential hazards, ICAO may write to the State concerned and, if circumstances dictate, circulate information to all ICAO Member States for the safety of civil aircraft. These circumstances normally relate to ICAO receiving information that is not available to the community but is of such nature that it would affect the operators' assessments of the safety of flight operations. Therefore, ICAO would only be in a position to support States dealing with armed conflict as circumstances and the receipt of safety information dictate.

3. **Safety recommendation:** *Update Standards and Recommended Practices related to the consequences of armed conflicts for civil aviation, and convert the relevant Recommended Practices into Standards as much as possible so that States will be able to take unambiguous measures if the safety of civil aviation may be at issue.*

A review of current Recommended Practices related to consequences of armed conflicts to civil aviation with a view to upgrading them to Standards is supported. ICAO will progress the associated work, envisaged to be completed in 2018.

4. **Safety recommendation:** *Encourage States and operators who have relevant information about threats within a foreign airspace to make this available in a timely manner to others who have an interest in it in connection with aviation safety. Ensure that the relevant paragraphs in the ICAO Annexes concerned are extended and made more strict.*

ICAO recognizes the critical importance of effective threat and risk information sharing between Member States, including information on the safety of airspace over conflict zones. Specifically with regard to airspace over the territory of a Member State, Article 1 of the Chicago Convention provides that each State has “complete and exclusive sovereignty over the airspace above its territory”.

ICAO Annex 17 — *Security — Safeguarding International Civil Aviation against Acts of Unlawful Interference*, paragraph 2.4.3 contains a requirement for each State to “establish and implement procedures to share with other Contracting States threat information that applies to the aviation security interests of those States, to the extent practicable”. The scope of this Standard is not necessarily limited to information concerning threats within a State’s national borders; States may share information about threats in foreign jurisdictions, provided that there is potential impact on the aviation security interests of other Member States. It is believed that Annex 17 sufficiently addresses the actions proposed in this recommendation.

5. **Safety recommendation:** *Amend relevant Standards so that risk assessments shall also cover threats to civil aviation in the airspace at cruising level, especially when overflying conflict zones. Risk increasing and uncertain factors need to be included in these risk assessments in accordance with the proposals made by the ICAO Working Group on Threat and Risk.*

The ICAO Aviation Security Panel will consider recommending amendments to Annex 17, including specifying risk assessments by Member States within its territory and the airspace above it, during its twenty-seventh meeting in March 2016.

6. **Safety recommendation:** *In addition to actions already taken, such as the website (ICAO Conflict Zone Information Repository) with notifications about conflict zones, a platform for exchanging experiences and good practices regarding assessing the risks related to the overflying of conflict zones is to be initiated.*

Following the MH-17 accident, and at the request of the Task Force on Risks to Civil Aviation Arising from Conflict Zones, practical guidance for States on carrying out risk assessments on overflying conflict zones was developed by the Aviation Security Panel’s Working Group on Threat and Risk (WGTR), which was disseminated globally during the High-level Safety Conference held 2 to 6 February 2015 and also made available to all focal points of the Conflict Zone Information Repository (CZIR). ICAO continues to make efforts to ensure wider dissemination of this useful reference tool and notes that the established CZIR will be reviewed by the ICAO Council in the second quarter of 2016 with the objective of determining the future of the repository. At that time, ICAO will take this recommendation into account. Additionally, ICAO has been coordinating with the International Air Transport Association (IATA) opportunities for establishing a centralized industry information sharing framework/system to collect and disseminate information regarding operational risks associated with operations over or near conflict zones.