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## PROCEDURES OF STATE REGISTRATION AND CERTIFICATION OF CIVIL AERODROMES IN THE CONTEXT OF UKRAINE'S OBLIGATIONS UNDER THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

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### Abstract.

**Purpose:** within the framework of the scientific article, the group of authors thoroughly analyzed the administrative and legal principles of the organization of state registration and certification of airfields of civil aviation in the context of Ukraine's international obligations under the Convention on International Civil Aviation and its Annexes. **Methods:** methodological basis of the study consisted of both general scientific and special-legal methods of scientific knowledge. The application of the logical-semantic method in combination with the formal-legal one allowed to highlight and define the essence and content of the procedures for state registration of certification in the aspect of aviation activity related to the operation of civil aviation airfields by subjects of relevant public legal relations. The application of the analysis method in combination with the formal legal method enabled the legal basis for the procedures for registration and certification of aerodromes of civil aviation to be worked out, as well as to study the peculiarities of the legal status of subjects of power and management powers in the process of their implementation. The grouping method allowed systematizing the stages and procedural phases of registration and certification procedures. By means of the synthesis method in combination with rather-legal (comparative) and formally-legal methods were generalized international standards and recommended practices of ICAO for the construction, commissioning, reconstruction of airfields of civil aviation, carrying out repair, technological or other types of works within their framework. **Discussion:** the administrative and legal aspects of the procedures for state registration and certification of civil aviation airfields remain the subject of purely scientific developments, which enables full comprehension of their content and legal nature. The raised issues acquire particular topicality in the context of the need for proper implementation of Ukraine's international obligations to ensure aviation safety, regularity and efficiency of flights by introducing rules, practices and procedures that provide for measures to protect against acts of unlawful interference.

**Keywords:** aerodromes of civil aviation, state certification, the Convention on International Civil Aviation, International Civil Aviation Standards, International Civil Aviation Organization.

### 1. Problem statement and its relevance

In accordance with legal requirements of the national legislation of Ukraine as well as international treaties, that were agreed to be bound by due to the prescribed procedure, in particular The Convention on International Civil Aviation, 1944 (further – the Convention) [1], any aviation operations and air-space management of Ukraine are closely intercon-

nected with registration, licensing and certification procedures that are integrally aimed at, first, aviation security support and guaranteeing, the benefit of state interests, national security, public and economic needs in air transportations and aerial works, second, the compliance with rules and standards of ecological safety in accordance with legislation in force, environmental protection, natural resources

conservation and recovery while making decisions on business activity in civil aviation that can influence the environment greatly with the account of state, public and private interests. At the same time, the implementation and adherence to international standards in the field of operation of air transport, but not limited to, requires a systemic reform of the legislation in force. On March 21, 2017, by the Law of Ukraine № 1965-VIII, the Verkhovna Rada of Ukraine approved the State Aviation Safety Program for civil aviation, the main and priority tasks of which are the systematic distribution of duties of public administration entities in the field of civil aviation, the establishment of rules for implementation and provision of air safety measures to passengers, aviation personnel and personnel involved in aviation activities, aircraft, property transported by aircraft, objects of aviation activities regardless of ownership and subordination.

## **2. Analysis of research and publications**

Certain aspects of the administrative and legal regulation of procedures for state registration and certification of airfields in civil aviation have been analyzed by: N.V. Bondarchuk, O.M. Hryhorova, V.V. Nosik, N.R. Malysheva, V.L. Muntian et al. However, the analysis of recent scientific developments allows us to make a wholly motivated conclusion that at present there is an insufficient theoretical and law-making development of issues raised for consideration.

## **3. The purpose of the article**

Consists in the need for a comprehensive scientific development of the administrative and legal aspects of state registration and certification of civil aviation airfields in Ukraine.

## **4. Presentation of basic material of the research**

Article 37 of the Convention implies an obligation for each of the contracting states to cooperate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services in the full range of issues in which such uniformity will facilitate and improve air navigation.

For this purpose, International Civil Aviation Organization (further – ICAO) accepts and when

required periodically changes International Standards, Recommended ICAO Practices, that concern: communication systems and aids to air navigation including ground marking; *airports and landing grounds characteristics*; flight rules and air traffic control practice; awarding the qualification to the technical personnel and flight crew members; airworthiness; aircraft registration and identification; collection and exchange of meteorological information; log books; aeronautical maps and charts; customs and migration procedures; disabled aircrafts and investigation procedure and other questions concerning aeronavigation security, regularity and effectiveness that may appear to be reasonable. Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an International Standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the International Standard. In the case of amendments to International Standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the International Standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other states, of the difference which exists between one or more features of an International Standard and the corresponding national practice of that State (Article 38 of the Convention). According to Article 69 of the Convention, if the Council *is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services*, present or contemplated, *the Council shall consult with the State directly concerned, and other States affected*, with a view to finding means by which the situation may be remedied, and may make recommendations

for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

In accordance with Clause 1 of Article 54 of the Convention the immediate functions of the ICAO Council involve adoption, in accordance with the provisions of Chapter VI of this Convention, of international standards and recommended practices; for convenience, designated as Annexes to this Convention; and notification of all contracting States of the action taken. Any such Annex or amendment to the Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council. The Council shall immediately notify all contracting States of the coming into force of any Annex or amendment thereto (clauses a, b of the Article of the Convention).

It should be noted that as of today the accepted by the ICAO Council standards and recommended practices are grouped into close topics in 18 Annexes to the Convention. At the same time, practical realization of the standards and practices stated in Annexes: 1 “Personnel Licensing”, 6 “Aircraft Operation”, 8 “Airworthiness”, 11 “Air Traffic Service”, 13 “Accident Investigation”, 14 “Aerodromes (Volume 1 and 2)” are the subject to constant system check by ICAO on the supervision over flight safety. Besides, Annex 17 to the Convention “Protection of International Civil Aviation against Acts of Unlawful Interference” will become the subject of the future separate check on the supervision over flight safety among the contracting States.

Annex 14 “Aerodromes (Volume 1 and 2)” includes the sphere starting with airport planning to such details as regulation of a switch-over time duration to supply power from the emergency power source, from civil engineering to lightning technology, from rescue and firefighting services to simple requirements of bird hazard reduction. The content of the Annex illustrates to a different extent four aspects connected with airports: planning, design, operation and maintenance of the airport. Along

with determination of the ground environmental conditions of the airport, specifications also include determination of requirements to the airport airspace. Airports should have obstacles free zones to enable aircraft arrival and departure from the airport. It is obvious that this obstacles-free zone is required for the flight safety. It is also important for this volume of space to be determined in the way that allows to ensure development and existence of the airport or as it is stated in the Annex “... prevents turning airports into unflyable due to the increase in the number of obstacles ... by means of establishing obstacle limitation surfaces that limit the borders through which the objects can penetrate into air space.” The requirements to ensure certain obstacle limitation surface and the sizes of these surfaces are classified in Annex according to runway types (further RW). Six types of runways are distinguished: non-instrument RW, non-precision RW, precision RW of the I, II and III categories and take-off RW. The purpose of the majority specifications is the increase in aviation security. One of the chapters of the Annex relates to the airport equipment safety. Specifications connected with construction and location of equipment near RW are of special importance. They are aimed at hazards reduction this equipment may cause to air traffic. The requirements for back-up power along with characteristics of lightning electric schemes and the necessity to control visual aids are also determined.

Adherence to international standards and recommended practices of ICAO that Ukraine agreed to be bound by according to the Convention and its Annexes during civil aerodromes construction, bringing into service, reconstruction, carrying out repair, technical and other kinds of works within its framework is provided by the integral system of state control instruments realized by specially authorized powered persons during the process of registration and certification procedures and current operational monitoring in the period between certifications, in compliance with procedures laid down by the law.

According to Clause 1 of Part 1 of Article 1 of the Air Code of Ukraine from 19.05.2011 № 3393-VI (further – AC of Ukraine) [2], aerodrome – is a determined land, water area involving any build-

ings, constructions and equipment designed partially or fully for take-off, approach, ramp and movement of aircraft. At the same time, according to the AC of Ukraine, civil aerodrome is an aerodrome designed for the use by civil aircraft.

Part 1 of Article 63 of the AC of Ukraine defines that an aerodrome (heliport) involves the following elements (aerodrome objects): 1) surfaces (artificial, soft or water), intended for the landing, take-off, movement and ramp of aircraft, movement of surface transport on the aerodrome territory; 2) aerodrome earth elements; 3) air traffic maintenance objects; 4) communication, navigation and surveillance means; 5) flight visual aids; 6) survival, firefighting, flight safety, meteorological service and aerodrome's electricity supply objects and means; 7) aerodrome utilities constructions and networks that ensure the operation of aerodrome objects.

A legal norm of Part 1 Article 64 of the AC of Ukraine confirms the absolute requirement for the procedure of civil aerodromes state registration and the necessity to add them to the State Register of Civil Aerodromes of Ukraine, which maintenance is provided by the authorized agency in civil aviation – the State Aviation Administration of Ukraine (further – the SAAU).

The authorized civil aviation agency can refuse the applicant to take a civil aerodrome off the State Register of Civil Aerodromes of Ukraine in case an aerodrome is of importance for the state interests as the system of transportation in certain region. Landing grounds are not subject to the state registration in the State Register of Civil Aerodromes of Ukraine (Parts 2-3 of Article 64 of the AC of Ukraine).

Civil aerodromes registration order is governed by the Rules of Civil Aerodromes Registration of Ukraine (further – the Rules), approved by the order of the State Service of Ukraine On the Control of Aviation Safety as of 25.10.2005 № 795 and registered by the Ministry of Justice of Ukraine, 10.11.2005 № 1356/11636 [3]; the statute On the State Air Service of Ukraine, approved by the Act of Cabinet of Ministers of Ukraine from 08.10.2014 № 520; the order of the SAAU “On the Forming of the SAAU Commission on the Certification and

Registration of Aerodromes and Operational Suitability of Landing Grounds” dated 05.09.2014 № 590 (further – Order № 590).

According to Subclause 1 of Order 1 № 590 the SAAU Commission (further – the Commission) on the Certification and Registration of Aerodromes and Operational Suitability of Landing Grounds is in charge of *certification and registration of aerodromes* and operational suitability of landing grounds, it consists of: First Deputy Chief of the SAAU (commission chief); director of the air transportation and airports department (deputy chief of the commission); the chief of the department of aerodromes and airports (commission secretary); commission members: the chief of the aviation safety department, the director of legal affairs department; the deputy chief of the department of air navigation and external affairs; the deputy chief of the department of regional inspections; the chief of the firefighting and emergency recovery department – search and rescue coordination center. At the same time the Commission Chief, the deputy chief of the commission or commission secretary is entitled to invite for consideration of the Commission other SAAU specialists or experts in the fields of commission work (upon consent).

The main functions and tasks of the Commission include state services on certification, registration of aerodromes and landing grounds, in particular: consideration of applications filed for registration, certification of aerodromes and release to service of the permanent landing grounds; consideration of the grounds for flight limitation or termination at aerodrome; temporary termination or cancellation of an aerodrome Certificate, removal from the State Register of Civil Aerodromes of Ukraine; preparation of draft decisions and providing offers with regard to: issuing of Certificates on aerodromes (heliports) registration; issuing of aerodromes (heliports) Certificates; issuance of licenses of permanent ground landings release to service; flight limitation or termination at aerodrome; temporary termination of an aerodrome (heliport) Certificate; cancellation of an aerodrome (heliport) Certificate; removal from the State Register of Civil Aerodromes of Ukraine.

In this case, the Commission is entitled to: check certification materials and landing ground release to service materials provided by the aerodrome (landing ground) operators; consider the conclusions on the equivalent level of flight safety at aerodrome in case of deviations from certification requirements in force; to provide offers concerning inspections of aerodromes and permanent landing grounds to check the compliance of the aerodrome (landing ground) with the requirements established by the aviation rules of Ukraine. The SAAU Department of Air Transportations and Airports is responsible for the organization of Commission work.

In accordance with the sub clause 1.1 of the Rules, these Rules shall be binding on all natural and legal persons dealing with the registration of civil aerodromes, common location and common use aerodromes (further – civil aerodromes) regardless of the form of ownership or subordination. Aerodrome operation aimed at air transportation and/or aerial works is forbidden in case of absence of registration certificate.

All civil aerodromes are subject to registration in the state certification and registration agency and enlisting into the State Register of Civil Aerodromes of Ukraine (further – Register) (amendment 1 to the Rules). After enlisting an aerodrome to the Register his owner or operator is given a Certificate on an aerodrome registration (further – Certificate) (amendment 2 to the Rules). The Certificate *permits to move for an aerodrome certification* and its equipment against compliance with norms of aerodrome's operational suitability. Aerodrome registration procedure is carried out after the payment of governmental charge by an Applicant according to the Order of the Cabinet of Ministers of Ukraine "On the forming of the state specialized cost financing fund on aviation operations and participation of Ukraine in international aviation organizations" as of 28.09.93 № 819.

In accordance with Clause 6 of the Rules, an applicant for the purpose of state registration of civil aerodrome, files an application to the SAAU for receiving a Certificate (amendment 3 to the Rules) and the following documents: the main aerodrome data (amendment 4 to the Rules); Applicant's obligations with information about the compliance of

the aerodrome with requirements in force, and the list of Applicant's duties (amendment 5 to the Rules); an aerodrome chart (diagram); an aerodrome master plan with explication; a state act (agreement) for right of land use; an agreement on the common use of aerodrome (if necessary); a copy of aerodrome's operator statute; confirmation of payment of governmental charge. The Application is considered within 5 working days from the date of its receiving. In case of Application refusal, the Applicant is given the reasons for this refusal in written form. The Certificate is done by the SAAU. Together with issuing a certificate the registration entry in the Register is made. Certificate's registration number must comply with the sequence number of the aerodrome registration in the Register. Registration number consists of three parts: letters AR (Aerodrome registered); registration index of administrative unit of the aerodrome location (amendment 6 to the Rules); aerodrome registration number.

The Certificate is given in a single copy and is kept by the Certificate's holder. In case of loss of Certificate, its holder applies for Certificate copy issue with required explanations. The SAAU undertakes to consider the application and after the favorable decision to issue the copy of the Certificate to the holder (sub clause 6.5 of Clause 6 of the Rules).

In case of change of aerodrome characteristics, the Certificate's holder is obliged to file an application to the SAAU for the change of aerodrome characteristics (amendment 7 to the Rules).

The applicant according to Subclause 6.7 of a clause 6 of the Rules is charged with the following duties: ensuring certification of aerodrome and its equipment within a period not exceeding 1 year from the moment of state registration; ensuring aerodrome operation in accordance with the existing regulatory documents; receiving the approval from the SAAU to the change of aerodrome characteristics; notifying of the SAAU about the termination of aerodrome operation 10 days before the actual event, as well as concerning reorganization, functional conversion, liquidation or other changes in the activity of a Certificate's holder – within a month from the moment of such event.

In case of changing the class of the aerodrome, the change of the Certificate's holder, the person who assumes the responsibilities of the holder of the Certificate, applies to the SAAU with a statement on the re-registration of the civil aerodrome. Commitments are attached to the application. At the same time, the previously issued Certificate is returned to the SAAU for destruction, which is recorded in the Register.

The civil aerodrome is excluded from the Register in case of its liquidation or decommissioning. An exception to the Register is carried out by the SAAU on the basis of an application from the holder of the Certificate or by the decision of the SAAU. In case of the exclusion of the aerodrome from the Register, the SAAU is directly obliged to send an official notice of the loss of the Certificate of Power to the Certificate's holder.

According to Clause 1 of Article 65 of the Air Code of Ukraine, Ukraine's civil airfields and aerodromes of joint use are subject to certification. Aerodrome certification includes an assessment of all elements and aerodrome facilities for compliance with the requirements established by the aviation rules of Ukraine. In case of filing an application for joint aerodrome certification, the applicant must obtain the consent of the relevant central executive authority (which the aerodrome is subordinated to), as well as provide the relevant agreement, which specifies the conditions for the provision of the aerodrome for the needs of civil aviation. If the holders of the aerodrome certificate, ground handling certificate and air navigation service provider are different legal entities, an agreement is concluded between them with the definition of the limits of liability, the procedure of interaction, rights and obligations regarding the provision of flight safety and aviation security. Holders of aerodrome certificates, air navigation service provider and ground handling are responsible for complying with the requirements of the aviation regulations of Ukraine and directly ensure the safety and regularity of flights, safe operation of the airdrome and airport, and protect the interests of consumers of airport services (Part 3-5 of Article 65 of the Air Code of Ukraine).

Certification of aerodromes of civil aviation is carried out by the SAAU Commission on the Certi-

fication and Registration of Aerodromes and Operational Suitability of Landing Grounds, established in accordance with the procedure defined by Order № 590, in accordance with: Certification Rules of Civil Aerodromes of Ukraine (hereinafter – Certification Rules), approved by the order of *State Service of Ukraine for Aviation Safety Supervision* dated 25.10.2005 № 796, registered in the Ministry of Justice of Ukraine on 10.11.2005 for № 1357/11637 [4]; the procedure for organizing the certification of aerodromes (heliports), determining the operational suitability of runways and their further monitoring (hereinafter – the Procedure for conducting certification), approved by the Order of the State Aviation Service as of 05.09.2014, № 591; Rules of registration of civil airfields of Ukraine, approved by the order of the State Service of Ukraine for overseeing the provision of aviation safety as of 25.10.2005, № 795, registered in the Ministry of Justice of Ukraine on 10.11.2005 under № 1356/11636; Instructions on extending the validity of the certificate of Operational suitability, extending the life of the equipment of light-signaling systems at aerodromes of civil aviation and aerodromes of joint bases, approved by the Order of the SAAU dated 01.12.2004, № 204, registered in the Ministry of Justice of Ukraine on December 23, 2004, № 1632 / 10231; Certification Requirements for Civil Aerodromes of Ukraine, approved by the Order of the SAAU dated March 17, 2006 № 201; Regulation on the supervision of flight safety in the air traffic management system approved by the order of the Ministry of Transport and Communications of Ukraine dated 31.05.2010 № 320, registered in the Ministry of Justice of Ukraine on June 30, 2010, № 446/17741; the rules of certification of the entities providing air navigation services approved by the order of the Ministry of Transport and Communications of Ukraine dated January 22, 2007 № 42, registered in the Ministry of Justice of Ukraine on February 7, 2007, № 104/13371; Rules of certification of meteorological aerodrome equipment, approved by the order of the Ministry of Infrastructure of Ukraine dated May 24, 2011 № 117, registered with the Ministry of Justice of Ukraine on June 16, 2011 under No. 716/19454; Rules of certification of ground equipment of radio

technical support in civil aviation of Ukraine, approved by the order of the Ministry of Infrastructure of Ukraine dated May 25, 2011 № 121, registered in the Ministry of Justice of Ukraine on June 14, 2011 under № 701/19439; Certification requirements for ground equipment of radio technical support in civil aviation of Ukraine, approved by the order of the Ministry of Infrastructure of Ukraine dated May 25, 2011 № 122, registered in the Ministry of Justice of Ukraine on June 14, 2011 under № 702/19440; Rules of emergency rescue and fire safety of flights in civil aviation of Ukraine, approved by the order of the Ministry of Infrastructure of Ukraine dated May 7, 2013, № 286, registered in the Ministry of Justice of Ukraine on May 24, 2013, № 809/23341.

Certification requirements for civil airfields of Ukraine, approved by the SAAU on March 17, 2006, № 201, include a system of technical requirements, the fulfillment of which by the holder of the aerodrome certificate is a necessary condition for ensuring flight safety. In this case, such requirements do not include requirements for the organization of air traffic services at the aerodrome. Air traffic service bodies carry out their activities as a single set, at the aerodrome and in the airspace, which is regulated by the relevant regulatory framework. Certification requirements are based on the generalization of national and international aerodrome certification practices and their equipment, as well as standards, rules and practices recommended by ICAO.

Certification requirements establish technical regulations: a class of aerodromes and runways; working area of the aerodrome (runway strips, runways, free zones, ultimate braking zones, available runways for take-off and landing, taxiways, load-bearing surfaced airfield, condition of the aerodrome surface); ornithological flight support at the aerodrome; ensuring traffic safety within the work area of the aerodrome; limiting and recording obstacles; visual means of providing flights; radio engineering equipment; meteorological support; power supply and electrical equipment; provision of aviation security at the aerodrome; emergency rescue and fire protection of flights at the aerodrome;

aeronautical information; aerodrome safety program.

From the content of Subclause 5.1.1 of Clause 5 of the Certification Regulation, it is understood that the main means of ensuring state control over civil aerodromes is their certification along with the issuance of the corresponding certificate (hereinafter – the Certificate).

The decision to issue the relevant Certificate shall be taken by the Chief of the SAAU or his deputy after agreement with the relevant structural units. In addition, the SAAU may involve specialists from other bodies of executive power and organizations, with their consent, to conduct procedures on certification of the aerodrome. Based on the decision of the SAAU, the Certificate may be cancelled or its operation terminated if the operator violates the norms, requirements set by the Certification Rules, or is unable to comply with them.

By implementing the certification system of airfields, issuing the Certificate and its subsequent inspection, the SAAU ensures (without infringing the independence of airfield operators): protection of the interests of passengers, consumers; control over the activities of aerodrome operators to ensure flight safety. Subclause 5.3 of the Certification Rules for the aerodrome operator imposes on him the following obligations: maintaining the aerodrome and its ground equipment in a condition that ensures flight safety and air safety; compliance with the requirements of regulatory legal acts regulating the activities of civil aviation on the maintenance of aerodromes; development of technological measures necessary for the provision of aerodrome activities; ensuring the availability in the departments and services of the relevant regulatory legal acts regulating aviation activity in Ukraine; provision of reliable information in the certification case; ensuring control over the condition of the aerodrome environs and altitude obstacles; timely notification of changes in aerodrome characteristics indicated in the appendix to the Certificate and certification case.

The procedure for certification of aerodromes consists of: acceptance and registration of the application; assessment of the application and the written notification of the Applicant about its ac-

ceptance or rejection; examination of the certification case with a written notice of the Applicant on the identified deficiencies; obtaining from the aerodrome operator the corrected sheets of the certification case with the eliminated deficiencies identified during the examination of the certification case; conducting aerodrome verification for compliance with certification requirements; registration of an act on the results of the verification with the notification of identified deficiencies; receipt from the aerodrome operator of reports on elimination of deficiencies identified during certification verification; re-inspection of the aerodrome (if necessary); preparation of the decision of the SAAU regarding the issuance (non-issuance) of the Certificate by the results of the verification; forming the Certificate and issuing it (or drawing up a motivated refusal to issue or renew the Certificate); control over the certified aerodrome.

An application for certification (Annex 1 to the Certification Rules) and a certification case are provided by the operator of the aerodrome in the following cases: at the certification of the aerodrome; upon renewal after cancellation of the Certificate; after reconstruction (modernization) of the aerodrome; at the expiration of the issued Certificate. The following documents must be attached to the application: the Applicant's obligation on the certification of the aerodrome (Annex 2 to the Certification Rules); the order of the Chief of the airline on the establishment of a commission on the preparation of the aerodrome for certification; certification case (Annex 3 to the Rules of Certification) with acts of ground and flight inspections of ground support facilities (conducted not earlier than six months before submission of an application); the act of the last aerodrome inspection verification by the SAAU; copies of contracts for the provision of aerodrome activities provided by the third party organizations (fire-protection support, rescue fighting, maintenance of airfield surfaces, meteorological support, etc.); operation instruction. Application for certification along with a set of documentation and payment of government fees is the basis for their consideration by the SAAU (Subclause 6.2.2 of the Rules of Certification). An application without a complete list of the above-mentioned

documents and government fees will not be accepted for consideration. The application and all documents submitted to the SAAU must be submitted in originals or certified copies. The references to the title of the document are executed in the language of the original document. An application for the extension of the certificate validity period shall be submitted four months prior to the expiration of the validity of the Certificate. The preparation of the application rests with the Applicant, who is responsible for the accuracy of the information contained in the application and supporting documentation.

The SAAU may reject an application in the event when the Applicant does not comply with the requirements of Subclause 6.2.3 and 6.2.4 of the Certification Rules. The preliminary evaluation of the application is made within a ten-day period from the date of its registration. The SAAU shall, within this period, notify the Applicant of acceptance or rejection (in case of non-compliance with the requirements of the Rules) of the application. The preliminary assessment of the application with the certification case should determine its completeness and expediency to further consideration. The preliminary assessment of the application and the certification case include the check-up of: availability of information on the condition of the aerodrome and aerodrome environs; information on the availability of the equipment necessary for the operation of the aerodrome and its compliance with the established requirements; completeness of the certification case. If the results of the preliminary assessment of the application with the provided documentation are positive, the Applicant is informed within ten working days of the acceptance of the application for inspection and a schedule of certification procedures is provided. If the results of the preliminary assessment of the application with the provided documentation are negative, the Applicant is returned the application along with the explanations of the return. The inspection of the certification case is conducted within a month from the date of its registration. When inspecting the certification case, the elements of the aerodrome and its equipment are checked for compliance with the certification requirements. In some cases deviations from existing aerodrome certification requirements are allowed, provided that these deviations are

compensated by the introduction of measures providing an equivalent level of flight safety.

In such cases, the Applicant prepares a conclusion on the provision of an equivalent level of flight safety (Annex 4 to the Rules of Certification), agrees it with the appropriate division of the SAAU, which deals with such deviation, and the Department of Standardization and Certification of the airports of the SAAU. On agreement, the conclusion is approved by the deputy chief of the SAAU. The Applicant is obliged to eliminate these deficiencies and inform the SAAU of the submission of necessary documents or changes to the certification case. An application, with regard to which deficiencies are not eliminated during three months from the date of granting of remarks, is cancelled. At the same time, the applicant may reapply on a general basis.

The certification inspection of the aerodromes is carried out by the SAAU Commission in order to: determine on the site the compliance of the aerodrome with the certification requirements and documents submitted by the Applicant, as well as determine the composition and condition of the aerodrome facilities and ground equipment, technical equipment, organization of flight safety, organization of operation of the aerodrome and objects, execution of the corresponding normative legal acts, procedure of the quality system and those responsible for the quality system; the verification that buildings, administrative buildings, control zones for radio-technical maintenance of flights, meteorological and other objects have the appropriate equipment, operate uninterruptedly, are suitable for carrying out the prescribed tasks. Certification inspection of aerodromes is carried out by the Commission for certification and in case of renewal of the suspended or revoked Certificate (subclause 6.4.1 of the Rules of Certification). According to the results of the inspection within 10 days, an act is issued, in which the results of the inspection are presented, comments and recommendations are given.

On the basis of the approved inspection act, the Applicant is obliged to eliminate the deficiencies and notify the SAAU thereof. The SAAU may postpone the elimination of deficiencies that have little impact on the safety of flights. The SAAU shall consider the results of the inspection and measures of the aerodrome operator in order to

eliminate the deficiencies specified in the act and, if necessary, carry out a re-examination. According to its results an appropriate act is drawn up. As it follows directly from the requirements of Subclause 6.4.6 of the Certification Regulations, an application, on which no decision was taken on the issuance of the Certificate due to the fault of Applicant within two months from the date of the inspection, is cancelled. At the same time, paid state fees are not refunded. The applicant may reapply according to the standard procedure.

Subclause 6.5.1 of the Certification Rules establishes that in case of positive results of the inspection of a certification case, certification verification and registration of all relevant documents based on its results, the SAAU shall decide on the issuance of the Certificate with the Annex (Annexes 6-7 to the Certification Regulation). The certificate is registered in the established order in the SAAU and is issued for a term up to three years. The registration number of the Certificate consists of three parts: the letters of the AS (aerodrome is suitable); the registration index of the administrative unit in which the aerodrome is located; aerodrome registration number. The certificate, together with the Annex, shall be issued to the Applicant or to the person authorized to perform such actions. The certificate comes into force from the date of its entry into force.

The certification rules impose on the SAAU direct responsibilities for controlling the activities of certified airfields in order to determine the suitability of aerodromes for operation and support their activities at the level of certification requirements through inspection checks.

## 5. Conclusions

Compliance with International Standards and Recommended Practices of ICAO undertaken by Ukraine in accordance with the Convention and its Annexes during the construction, commissioning, reconstruction of airfields of civil aviation, conducting repair, technological or other types of work within its framework, is provided by a comprehensive system of state control measures and supervision carried out by specially authorized subjects of authority, in the course of realization of registration and certification procedures and current operational monitoring during the period between certifications in accordance with the procedure established by the current legislation.

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## ПРОЦЕДУРИ ДЕРЖАВНОЇ РЕЄСТРАЦІЇ ТА СЕРТИФІКАЦІЇ АЕРОДРОМІВ ЦИВІЛЬНОЇ АВІАЦІЇ У КОНТЕКСТІ МІЖНАРОДНИХ ЗОБОВ'ЯЗАНЬ УКРАЇНИ ЗА КОНВЕНЦІЄЮ ПРО МІЖНАРОДНУ ЦИВІЛЬНУ АВІАЦІЮ

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**Мета:** у межах наукової статті авторським колективом змістовно проаналізовано адміністративно-правові засади організації державної реєстрації та сертифікації аеродромів цивільної авіації у контексті міжнародних зобов'язань України за Конвенцією про міжнародну цивільну авіацію та додатками до неї. **Методи дослідження:** методологічну основу дослідження склали як загальнонаукові, так і спеціально-юридичні методи наукового пізнання. Застосування логіко-семантичного методу у поєднанні із формально-юридичним дало змогу відітінити та визначити сутність і зміст процедур державної реєстрації та сертифікації у аспекті авіаційної діяльності, пов'язаної із експлуатацією аеродромів цивільної авіації суб'єктами відповідних публічних правовідносин. Застосування методу аналізу у поєднанні із формально-юридичним методом дало змогу опрацювати нормативно-правові засади процедур реєстрації та сертифікації аеродромів цивільної авіації, а також дослідити особливості правового статусу суб'єктів владно-управлінських повноважень у процесі їх здійснення. За допомогою методу групування здійснено систематизацію стадій та процесуальних етапів відповідних реєстраційно-сертифікаційних проваджень. За допомогою методу синтезу у поєднанні із порівняльно-правовим (компаративістським) та формально-юридичним методами узагальнено міжнародні стандарти та рекомендовану практику ІКАО щодо будівництва, введення в експлуатацію, реконструкції аеродромів цивільної авіації, проведення ремонтних, технологічних або інших видів робіт у їх межах. **Обговорення:** адміністративно-правові аспекти процедур державної реєстрації та сертифікації аеродромів цивільної авіації на сьогодні лишаються предметом виключно поодиноких наукових розробок, що у свою чергу не дає можливості повною мірою осягнути їх зміст та правову природу. Особливої актуальності порушені до розгляду питання набувають у контексті необхідності належного виконання Україною взятих на себе міжнародних зобов'язань щодо забезпечення авіаційної безпеки, регулярності та ефективності польотів шляхом запровадження правил, практики й процедур, які передбачають заходи захисту від актів незаконного втручання.

**Ключові слова:** аеродроми цивільної авіації, державна сертифікація, Конвенції про міжнародну цивільну авіацію, міжнародні стандарти у сфері цивільної авіації, Міжнародна організація цивільної авіації.

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**ПРОЦЕДУРЫ ГОСУДАРСТВЕННОЙ РЕГИСТРАЦИИ И СЕРТИФИКАЦИИ АЭРОДРОМОВ  
ГРАЖДАНСКОЙ АВИАЦИИ В КОНТЕКСТЕ МЕЖДУНАРОДНЫХ ОБЯЗАТЕЛЬСТВ  
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**Цель:** в пределах научной статьи авторским коллективом содержательно проанализированы административно-правовые принципы организации государственной регистрации и сертификации аэродромов гражданской авиации в контексте международных обязательств Украины по Конвенции о международной гражданской авиации и приложениям к ней.

**Методы исследования:** методологическую основу исследования составили как общенаучные, так и специально-юридические методы научного познания. Применение логико-семантического метода в сочетании с формально-юридическим позволило оттенить и определить сущность и содержание процедур государственной регистрации и сертификации в аспекте авиационной деятельности, связанной с эксплуатацией аэродромов гражданской авиации субъектами соответствующих публичных правоотношений. Применение метода анализа в сочетании с формально-юридическим методом позволило разработать нормативно-правовые основы процедур регистрации и сертификации аэродромов гражданской авиации, а также исследовать особенности правового статуса субъектов властно-управленческих полномочий в процессе их осуществления. С помощью метода группировки осуществлена систематизация стадий и процессуальных этапов соответствующих регистрационно-сертификационных производств. С помощью метода синтеза в сочетании с сравнительно-правовым (компаративистским) и формально-юридическим методами обобщенно международные стандарты и рекомендуемую практику ИКАО по строительству, вводу в эксплуатацию, реконструкции аэродромов гражданской авиации, проведение ремонтных, технологических или иных видов работ в их пределах. **Обсуждение:** административно-правовые аспекты процедур государственной регистрации и сертификации аэродромов гражданской авиации на сегодня остаются предметом исключительно редких научных разработок, что в свою очередь не дает возможности в полной мере постичь их содержание и правовую природу. Особую актуальность рассмотренные вопросы приобретают в контексте необходимости надлежащего выполнения Украиной взятых на себя международных обязательств по обеспечению авиационной безопасности, регулярности и эффективности полетов путем введения правил, практики и процедур, предусматривающих меры защиты от актов незаконного вмешательства.

**Ключевые слова:** аэродромы гражданской авиации, государственная сертификация, Конвенции о международной гражданской авиации, международные стандарты в сфере гражданской авиации, Международная организация гражданской авиации.