

Client Update

Interstate Aviation Committee Has Its Powers Curtailed in Russia

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On November 28, 2015, the Russian government issued Decree No. 1283, relieving the Interstate Aviation Committee (“IAC”) of its authority to carry out aircraft type certification. Such authority will now vest in the Federal Air Transportation Agency (“Rosaviatsiya”). This constitutes a fundamental change to the aircraft certification system in Russia, which had remained unaltered for more than 20 years.

REGULATION PRIOR TO ADOPTION OF DECREE NO. 1283

The IAC, an umbrella interstate body, was established by Decree No. 5 of the Council of the Heads of Government of the Member States of the Economic Community, dated December 6, 1991, and the Treaty on Civil Aviation and Use of Airspace, signed in Minsk on December 12 – 25, 1991. The Decree and Convention were signed by all members of the Commonwealth of Independent States (“CIS”): Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. Georgia is no longer a member of the CIS and does not participate in the Convention.

These documents did not spell out the powers of the IAC in detail, while in respect of the Russian Federation, this body was endowed with the necessary powers pursuant to Decree No. 367 of the Government of the Russian Federation on Improving the System of Certification and the Procedure for Investigating Aviation Incidents in Russian Civil Aviation, dated April 23, 1994.

Decree No. 367 essentially brought the IAC up to the level of a federal executive body and granted it a number of powers, including certification of aircraft and their components by type for the purposes of their operation in Russia. At the same time, the actual procedure for carrying out aircraft type certification was governed by the Aviation Rules, Part 21, Certification of Aircraft and Aircraft

Developers and Manufacturers. Each aircraft type had to pass IAC type certification prior to being permitted to fly in the Russian Federation.

It must be noted that under Russian law aircraft may only be operated if an airworthiness certificate has been issued by Rosaviatsiya upon presentation of a type certificate.

SUSPENSION OF BOEING 737 TYPE CERTIFICATE

On November 4, 2015, the IAC sent a letter to the U.S. Federal Aviation Authority (the "FAA") stating that because the pitch control system in these aircraft needed to be improved, it was suspending the validity of the type certificate for the Boeing 737 Classic and NG family of narrow-bodied aircraft, until such time as Rosaviatsiya and the FAA confirmed to the IAC that it was completely safe to operate these aircraft.

It is assumed that the crash of a Boeing 737 in Kazan in November 2013 gave the IAC cause to doubt the safety of the pitch control system.

Rosaviatsiya, in turn, declared that the operation of Boeing 737s in Russia should not be suspended.

Nevertheless, these developments led to serious concerns in the Russian aviation market, which was at risk of being paralysed, with the Boeing 737—one of the most popular aircraft types in the world as well as in Russia.

NEW REGULATION OF AIRCRAFT TYPE CERTIFICATION

Following the above events the Russian government adopted Decree No. 1283, pursuant to which the IAC was relieved of its certification powers. These powers, including the power to enforce compliance with aircraft type design requirements, were transferred to Rosaviatsiya. It is anticipated that the relevant regulations will shortly be issued governing the procedure for aircraft type certification by Rosaviatsiya.

This change in regulation should, without a doubt, be regarded as a positive shift in the aircraft certification system in Russia. As a supranational umbrella body, the IAC was not directly subordinate to the Russian governmental authorities. At the same time, in addition to the above situation regarding the suspension of the type certificate for the Boeing 737 family of aircraft, there had already been criticism leveled at the work of the IAC previously. For instance, in 2013 Aeroflot was unable to commence operation of its new Boeing 777-300ER aircraft as announced because the IAC had not issued the relevant type certificate.

It is to be hoped that the introduction of new aircraft types, both foreign-manufactured and domestic, will not be hampered by glitches during the transition period.

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Please do not hesitate to contact us with any questions.