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**Subject:** Safety obligations of ICAO Member States in relation to surveillance of foreign operators and adherence to the Chicago Convention

**Action required:** Take immediate steps to ensure adherence with provisions in the Chicago Convention and its Annexes

Sir/Madam,

1. I have the honour to refer to the *Convention on International Civil Aviation* (Chicago Convention, Doc 7300) and its Annexes and recall that these documents provide the legal and operational framework for Contracting States to build a global civil aviation safety system based on mutual trust and recognition. The Chicago Convention and its Annexes require that all Contracting States fulfil their obligations in implementing the Standards and Recommended Practices (SARPs), as far as practicable, and adequately performing safety oversight.

2. Further to ICAO Electronic Bulletin 2022/12, published on 11 March 2022, I remind that Contracting States have an obligation to carry out effective surveillance over foreign operators flying in their territory in order to ensure that they do so in full compliance with applicable SARPs, and take appropriate action when necessary to preserve safety as per Assembly Resolution A36-6: *State Recognition of the Air Operator Certificate of Foreign Operators and Surveillance of their operations*. The following provisions from the Chicago Convention and Annex 6 – *Operation of Aircraft, Part I – International Commercial Air Transport — Aeroplanes* are key in this regard:

- a) Article 11 – *Applicability of air regulations*;
- b) Article 16 – *Search of aircraft*;
- c) Article 29 – *Documents carried in aircraft*; and
- d) Annex 6, Part I, Section 4.2.2 – *Surveillance of operations by a foreign operator*.

3. The Assembly further directed me to facilitate the sharing of safety-critical information with Member States, industry and other stakeholders through appropriate secure websites in accordance with Assembly Resolution A40-13: *The Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA)*.

4. Pursuant to Article 21 — *Report of registrations* of the Chicago Convention, ICAO received information from several Contracting States concerning aircraft that may be engaged in international air navigation by foreign operators while their certificates of airworthiness were suspended by the respective States of Registry. Operation of these aircraft would be in contradiction with Article 18 – *Dual registration* which states that an aircraft cannot be validly registered in more than one State; Article 32 – *Licenses of personnel* which requires that certificates of competency and licenses are issued or rendered valid by the State in which the aircraft is [lawfully] registered, as well as Article 31 – *Certificates of Airworthiness* which stipulates that the certificate of airworthiness can be validly issued or rendered valid only by the State in which it is [lawfully] registered. Furthermore, the operation of these aircraft will be inconsistent with Annex 1 – *Personnel Licensing*, Annex 7 – *Aircraft Nationality and Registration Marks* and Annex 8 – *Airworthiness of Aircraft*.

5. To address safety concerns that States may have regarding the safe operation of foreign aircraft within their territories as well as to ensure adherence to the Chicago Convention and its Annexes by all Contracting States, ICAO has published safety-critical information on the ICAO USOAP CMA Online Framework website ([www.icao.int/usoap](http://www.icao.int/usoap)) accessible through the main dashboard. Access to the website is available to the National Continuous Monitoring Coordinators (NCMCs) and any other authorized users.

6. States are encouraged to consult the above-mentioned information in exercising the surveillance of operations by a foreign operator as per the legal and operational framework provided above **and to contact ICAO Regional Offices in your respective region for additional information or assistance.**

Accept, Sir/Madam, the assurances of my highest consideration.

Juan Carlos Salazar  
Secretary General