



TRAFICOM

Finnish Transport and Communications Agency

The Beijing Instruments 2010

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The Beijing Instruments and Cybersecurity

- ▶ Assembly resolution A41-19 recognizes that **cyber-attacks** on international civil aviation **are crimes** that are covered **by the Beijing Instruments** and considers that wide ratification by States of those instruments would ensure that such attacks would be deterred and punished wherever in the world they occur.
 - ▶ Suppression of Unlawful Acts, Suppression of Unlawful seizure
 - ▶ What is considered to be criminal, and what should be done about it!
- ▶ On the other hand, requirements on how Member States and the aviation industry should manage cybersecurity risks are being further developed under the **Chicago Convention**
 - ▶ Please note e.g. Study on Aviation Cybersecurity in the Annexes to the Chicago Convention

Essential elements in the Beijing Instruments

▶ Beijing Convention

- ▶ Article 1(1): Any person commits an offence if that person unlawfully and intentionally: .. (d) destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or (e) communicates information which that person knows to be false, thereby endangering the safety of an aircraft in flight; or ..
 - ▶ Covered are also threat, attempt, organization, directing others, participating as an accomplice
- ▶ Article 2: For the purposes of this Convention... "Air navigation facilities" include signals, data, information or systems necessary for the navigation of aircraft
- ▶ Article 8 / Jurisdiction:
 - ▶ Territorial
 - ▶ State of registry, landing, operator, offender
 - ▶ (discr.) State of victim (victim is a national or a resident stateless person)

▶ Beijing Protocol

- ▶ Article 1: Any person commits an offence if that person unlawfully and intentionally seizes or exercises control of an aircraft in service by force or threat thereof, or by coercion, or by any other form of intimidation, or by any technological means.

Ratification – what needed to be checked / amended

- ▶ Finland ratified the Beijing instruments of 2010 and the Montreal Protocol of 2014 (amending the Tokyo Convention) in the same project. The ratification is a commitment to comply with their provisions.
- ▶ The offences covered in the Beijing instruments required, in Finland, revisions to the Criminal Code, in particular:
 - ▶ Scope of application
 - ▶ Offences to be considered criminal.
- ▶ Cf. The Montreal Protocol 2014, amending the Tokyo Convention also covers misdemeanors, which are regulated in the Finnish Aviation Act.
- ▶ In Finland, ratification prepared in co-operation by the Ministry of Transport, the Ministry of Justice and the Ministry for Foreign Affairs.



Amendments to the Criminal Code adopted in connection with the Ratification in 2021

- ▶ Scope of application: jurisdiction as state of landing and state of the operator added.
- ▶ New offences:
 - ▶ **Attempt** of violation of the prohibition of chemical and biological weapons
 - ▶ **Interference with traffic**
 - ▶ **Attempt** of dangerous goods transport offence

Relatively few amendments were required as many of the offences under the Beijing Instruments already fell within the remit of the Finnish Criminal Code

The EU Approach to Regulating Cybersecurity

- ▶ Aviation Specific Rules
 - ▶ Information Security provisions included in Aviation Security Regulations (IR 2019/1583)
 - ▶ Information Security provisions included in Aviation Safety Regulations (Delegated Regulation 2022/1645, Implementing Rules 2023/203 and 2023/1769)
- ▶ The so called [NIS2-directive \(2022/2555\)](#)
 - ▶ Covering a wide range of sectors, including transport
 - ▶ Management of risks, reporting of occurrences.
- ▶ Reconciling the application of the general framework (NIS2) and the application of aviation specific rules!

Thank you

Additional information

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