



International Civil Aviation Organization

WORKING PAPER

A38-WP/216¹
TE/88
30/8/13
Revised
20/9/13

ASSEMBLY — 38TH SESSION

TECHNICAL COMMISSION

Agenda Item 34: Air Navigation — Monitoring and Analysis

AIR NAVIGATION CAPACITY AND EFFICIENCY

(Presented by CANSO)

EXECUTIVE SUMMARY

The 4th edition of the Global Air Navigation Plan (GANP, Doc 9750; A38-WP/39 refers) provides guidance for States, the planning and implementation regional groups (PIRGs), air navigation service providers (ANSPs), airports, airspace users and industry stakeholders on the planning and implementation of operational improvements, which is to be accomplished through the aviation system block upgrades (ASBUs) methodology and technology roadmaps. Enhancement of the safety, capacity and efficiency of the global aviation system are the overarching objectives.

However, increasing capacity and improving efficiency of the global aviation system is not a technology question alone. The way the airspace is structured and designed and air traffic services are organized and provided has a direct impact on capacity and efficiency. In this regard, Appendix G – Delimitation of air traffic services (ATS) airspaces to the proposed revised Resolution on a Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation (Resolution A38-xx; A38-WP/86 refers) is of significant importance. CANSO is also of the view that greater visibility of the capacity and efficiency challenges to air navigation in certain regions could be a positive step to their resolution and it is suggested that this subject be covered in the proposed annual ICAO Global Air Navigation Report (A38-WP/87 refers).

Action: The Assembly is invited to:

- a) acknowledge that the way the airspace is structured and designed and air traffic services are organized and provided can pose capacity and efficiency challenges in certain regions; and
- b) recommend that these capacity and efficiency challenges be clearly identified in the proposed annual ICAO Global Air Navigation Report in order to assist States in understanding which areas may require special attention and identify potential cooperative arrangements between States that could lead to improved air navigation performance.

¹ Language versions provided by CANSO.

1. INTRODUCTION

1.1 The 38th Session of the Assembly is invited, in A38-WP/86, to review the modifications proposed to Resolution A37-15 and adopt a revised Resolution on a consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation. CANSO wishes to point out the importance of this Resolution, in particular Appendix G - Delimitation of air traffic services (ATS) airspaces, to increasing capacity and improving the efficiency of the global air navigation system.

1.2 CANSO is also of the view, given the significance of this Resolution, that action plans be devised at the global and regional levels to address the specific capacity and efficiency challenges faced in certain airspaces. These challenges should be clearly identified in the annual ICAO Global Air Navigation Report to assist States in understanding which areas may require special policy and/or legislative attention to effectively improve air navigation performance for their State and in their region, and help propagate information on implementation success stories and associated best practices.

2. DISCUSSION

2.1 The objective of the GANP is to increase capacity and improve efficiency of the global civil aviation system whilst improving or at least maintaining safety. The fourth edition of the GANP provides guidance on the planning and implementation of operational improvements and the supporting technologies, avionics, procedures, standards and regulatory approvals needed to realize them. This will be accomplished through the aviation system block upgrades (ASBUs) methodology, which forms the basis of the revised GANP.

2.2 However, increasing capacity and improving efficiency of the global civil aviation system is not a technology question alone. The way the airspace is structured and designed and air traffic services are organised and provided has a direct impact on capacity and efficiency. In some regions and sub-regions the airspace is a severe bottleneck to air traffic growth and the organisation of air traffic services an impediment to efficiency.

2.3 It is reminded that Article 28 of the Convention on International Civil Aviation requires that each contracting State undertakes to provide in its territory airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with international standards and recommended practices (SARPs). Annex 11 to the Convention also makes provision for a contracting State to delegate its responsibility for providing air traffic services over its territory to another State by mutual agreement. Cooperative arrangements between contracting States are encouraged as this could lead to more efficient air traffic management.

2.4 When it comes to regional air navigation planning and airspace structure and design, Resolution A37-15, Appendix M, resolved that “the limits of ATS airspaces, whether over States' territories or over the high seas, shall be established on the basis of technical and operational considerations with the aim of ensuring safety and optimizing efficiency and economy for both providers and users of the services”. And, that “established ATS airspaces should not be segmented for reasons other than for technical, operational, safety and efficiency reasons.” States are further encouraged to consider establishing jointly a single air traffic services authority to be responsible for the provision of air traffic services within ATS airspace extending over the territories of two or more States or over the high seas.

2.5 Importantly, the 37th Session of the Assembly further recognized and declared that “any Contracting State which delegates to another State the responsibility for providing air traffic services within airspace over its territory does so without derogation of its sovereignty.” This is in clear recognition of Article 1 of the Convention that recognizes that every State has complete and exclusive sovereignty over the airspace above its territory. Sovereignty is the supreme and independent power or authority of a State to decide and act. Thus, the decision to delegate the provision of air traffic services provision to another State and the designation of an air traffic services authority is in fact an act of sovereignty, not an abandonment of sovereignty.

2.6 It is also clear from Article 28 of the Convention that when delegating the functional responsibility for service provision to another State, the delegating State retains a residual liability - the obligation to ensure that service delivery is properly regulated and supervised. The delegating State shall prescribe the requirements by which the providing State shall establish and maintain the facilities and services, and both the delegating and the providing State reserve the right to revoke any such arrangement at any time.

2.7 There exist many examples of States having successfully delegated to another State the responsibility for air traffic services provision where this made sense for technical, operational, safety and efficiency reasons. There is a mutual delegation between the USA and Canada; Tonga and Samoa have a delegation to New Zealand; and there are various delegations in Europe, between Finland, Sweden and Norway, and France and Switzerland. This must be further encouraged, especially for those regions and sub-regions that face capacity and efficiency challenges.

3. CONCLUSION

3.1 While the GANP provides a strategic framework for planning and implementation of operational improvements, it does not address the way the airspace is structured and designed and air traffic services are organised and provided, which can have a direct impact on the capacity and efficiency of the global air navigation system. Appendix F - Delimitation of air traffic services (ATS) airspaces to the revised Resolution on a Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation (Resolution A38-xx) provides a basis for concerted action by States and the Regional Planning and Implementation Groups (PIRGs) in addressing the capacity and efficiency challenges in their regions.

— END —