



## INTERNATIONAL CIVIL AVIATION ORGANIZATION

### First Meeting of the Africa-Indian Ocean Aviation System Planning and Implementation Group (AASPG/1)

Libreville, Gabon, 3 - 7 November 2025

#### Agenda Item 4.7: Other Aviation Safety and Air Navigation Initiatives

Issue of the applicability of air traffic controller licences in delegated airspace.

*(Note submitted by Gabon)*

SUMMARY	
<p>This working note examines the issue of the legal and territorial scope of air traffic controller (ATC) licences in the context of delegated airspace.</p> <p>In accordance with Articles 28 and 83 bis of the Chicago Convention, Contracting States retain responsibility for the provision or delegation of air navigation services, including personnel aspects.</p> <p>The analysis highlights the need to formalize mechanisms for mutual recognition and joint supervision of ATC licenses, in order to ensure compliance with the safety and oversight requirements set out in Annexes 1 and 11 as well as Doc 9734.</p> <p><b>Action by the meeting:</b></p> <p>The meeting is invited to examine the advisability of encouraging the AACs to coordinate in advance between neighbouring States, in order to take into account this concern, which highlights the lack of harmonisation or pooling of regulatory and legal instruments</p>	
<b>REFERENCE(S)</b>	<ul style="list-style-type: none"> <li>• Appendix 1: Aeronautical Personnel Licence</li> <li>• Appendix 11: Air Traffic Services</li> <li>• Doc 4444/PANS-ATM: Procedures for Air Navigation Services-Air Traffic Management</li> </ul>
<i>Strategic Objectives</i>	<p>A - Safety,</p> <p>B- Capacity and efficiency of air navigation</p>

## 1 INTRODUCTION

- 1.1 Article 28 of the Chicago Convention commits each Contracting State to provide or delegate air navigation services within its territory in accordance with ICAO standards and practices.

- 1.2 In the event of delegation of the function of providing ANS, the aspects covering the administrative management of ANS staff shall include the relevant documentation for the provision of those services, in particular that relating to the air traffic control service.
- 1.3 However, air traffic controller licenses are issued by each Civil Aviation Authority of the State hosting an ATS unit and regardless of the nature of the airspace covered (sovereign or delegated), which raises the question of the scope of the privileges of these licenses when exercised beyond the territory of the issuing State.
- 1.4 This situation highlights the need for a mutual recognition or validation framework, in order to ensure consistency between the delegation of service (Article 28) and the responsibility for safety oversight (Article 83a)

## 2. DISCUSSION

2.1. *Case of the organization of the airspace covered by the Brazzaville FIR: the ATC units, respectively, located in Congo Brazzaville and Gabon each provide air traffic services beyond the borders of the States of the host. However, the respective licenses issued by the AACs of each state, have as a legal and regulatory base the legislation and the specific regulations specific to each of these states.*



2.2 The licences issued by the CAAs of these States have national legal bases, with no specific provision covering the exercise of privileges in delegated airspace.

2.3 Article 28 requires each State to ensure that the services provided in its airspace comply with ICAO standards, including those delegated.

2.4 In addition, Article 83a authorises the transfer or formal delegation of certain functions, subject to a notified and registered agreement, ensuring clarity of responsibilities.

2.5 In this context, delegating and delegated States should establish explicit mechanisms for the mutual recognition of ATC licences, defining the geographical scope and responsibilities for supervision and safety.

### **3 ACTION BY THE MEETING**

3.1 The meeting is invited to:

- a) take note of the information provided and the analysis contained in this note;
- b) to recognize that, in accordance with Articles 28 and 83 bis of the Chicago Convention, the provision of ATS services by a delegated State or organization involves the formalization of a legal framework for the delegation of the authority for the issuance and mutual recognition of ATC licences;
- c) Encourage States that have concluded airspace delegation agreements to establish an exchange framework to define:
  - a common mechanism for the recognition and validation of air traffic controllers' licences,
  - a procedure for shared supervision and distribution of responsibilities between CAAs and ATS providers;
- d) encourage the stakeholders to seek technical support from ICAO and relevant RSOOs when necessary.