



International Civil Aviation Organization

ICAO

Eleventh Meeting of the Air Traffic Management Sub-Group
(ATM/SG/11) of APANPIRG

Singapore, 2 – 6 October 2023

Agenda Item 8: Any other business

OVERFLIGHT APPROVALS AND AIR DEFENCE CLEARANCE (ADC) NUMBERS

(Presented by IATA)

SUMMARY

This paper summarises issues arising from current practices for providing overflight clearance (OVFC) permissions and Air Defence Clearances (ADCs), as well as States' incorrectly applying fees for the right to overfly which is not compliant with ICAO guidelines, and proposes alternate solutions.

1. INTRODUCTION

1.1 Under the Chicago Convention of 1944 (Flight Operations) States are entitled to Territorial Sovereignty which says: *Every State has, to the exclusion of other States, the unilateral and absolute right to permit or deny entry into the area recognized as its territory and similar right to control all movements within such territory.*

1.2 Many States require separate applications for overflight approvals and in some cases Air Defence Clearance (ADCs) numbers for approval to transit an ADIZ. Generally, this is for non-scheduled flights outside of the normal seasonal approvals.

1.3 Because of the many varied information requirements, and submission and approval processes, as well as FIRs not always aligned with a State's ADIZ, airlines have to adapt to comply with each one creating unnecessary additional manual workload and greater risk for error.

1.4 IATA members report a lack of automated approval processes being available and that there are occasions when flight crews get challenged on ADC's just prior to a boundary.

1.5 Additionally, the email addresses published for support often go unanswered and/or phone numbers are not manned during the advertised hours. These are generally most needed when there is short notice for an unscheduled or delayed flight.

1.6 This paper proposes solutions to help simplify and standardize the process.

2. DISCUSSION

Advocate for 'File n Fly'

2.1 The easiest and most useable solution is for all States to adopt the "File and Fly" process used in Eurocontrol and some States in Africa & Middle East. This involves simply approving via acceptance of the flight plan submission.

2.2 The ICAO flight plan can be used as an alternative means of compliance for State overflight permit requirements for all scheduled and unscheduled overflying traffic, and landing traffic under bilateral (or multilateral) agreements.

2.3 The FPL (and future filed plans under a SWIM environment) provides the requisite information for safety and security purposes. Any additional information may be provided as required and agreed to as standard between all States and Airspace Users.

2.4 The process could be further simplified through strategic agreements between civil and military authorities to include any required Air Defence Clearance (ADC) number for separate permission to transit an ADIZ. As long as the application meets all the information requirements then the approval should be automatic and not require manual assessment. Anything flagged as different could still be sent for further assessment.

Alternative process ‘Standardized n Simplified’ automation and/or Online Portal

2.5 An alternative method for facilitation of OVFC permission is for States to implement an automatically generated overflight permit unique number for airlines’ requests through an online portal or dedicated email address.

2.6 The information required from airlines should be standardised and globally harmonized and agreed by APANPIRG so as to support its implementation.

2.7 Any additional information required by the State could be requested through the airline’s contact requesting the OVFC permission. This simplified process should be set up to generate OVFC permission within a ‘few seconds’ of receipt of the request.

No charges or fees should be levied on OVFC Permission

2.8 States may exercise a right under the Convention to introduce a requirement for permission for overflight under “States” responsibility, however when States elect to exercise this right, such process, and cost should be under their responsibilities.

2.9 Several States continue to impose a fee to process overflight permissions. There have also been occasions when some States have refused to refund airlines for overflight fees paid for periods when their airspace has been closed or otherwise inaccessible due to the pandemic.

2.10 Such practice is not in accordance with the ICAO Convention and constrains airlines’ operational flexibility to support the region's economic activities through cargo and passenger transport.

2.11 A File and Fly method can remove ongoing costs for manual processing of the approvals which is appropriate given that Article 15 of the Chicago Convention states that: *“No fees, dues, or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon”*.

2.12 IATA again strongly urges States to adhere to Article 15 of the ICAO Chicago Convention.

2.13 Simply using the filed Flight Plan (File and Fly) and not imposing a separate process and fee for overflight permissions would reduce the States' administrative workload for processing permissions and support economic connection through flexible airline operation.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) note the information contained in this paper;
- b) discuss any relevant matters as appropriate; and
- c) Agree to the Draft Conclusion/Decision.

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Draft Conclusion/Decision ATM/SG/11-X: TITLE	
<p>What:</p> <p>1. All States to adopt the “File and Fly” process used in Eurocontrol and some States in Africa & Middle East. This involves simply approving overflights and ADCs via acceptance of the flight plan submission.</p> <p>2. Failing 1 above, States work together to implement a standardized, automatically generated overflight approval (that includes ADC number) for airlines’ requests through an online portal or dedicated email address.</p> <p>3. States to adhere to Article 15 of the ICAO Chicago Convention and remove all charges for overflight approvals, including third party fees.</p>	<p>Expected impact:</p> <p><input type="checkbox"/> Political / Global</p> <p><input type="checkbox"/> Inter-regional</p> <p><input type="checkbox"/> Economic</p> <p><input type="checkbox"/> Environmental</p> <p><input type="checkbox"/> Ops/Technical</p>
<p>Why:</p> <p>To simplify and standardize the process for airlines to obtain overflight approvals and ADC numbers, and to remove charges that do not comply with ICAO guidance.</p>	<p>Follow-up:</p> <p><input type="checkbox"/> Required from States</p>
<p>When:</p> <p>dd-Mmm-yy</p>	<p>Status:</p> <p>Draft to be adopted by Subgroup</p>
<p>Who:</p> <p><input type="checkbox"/> Sub groups <input type="checkbox"/> APAC States <input type="checkbox"/> ICAO APAC RO <input type="checkbox"/> ICAO HQ <input type="checkbox"/> Other:</p>	