



ICAO

International Civil Aviation Organization

Thirteenth Meeting of the Air Traffic Management Sub-Group (ATM/SG/13) of APANPIRG

Singapore, 25 – 29 August 2025

Agenda Item 8: Any Other Business

**ADHERENCE TO THE ICAO PRINCIPLES AND RECOMMENDATIONS FOR SETTING
AIR NAVIGATION SERVICE CHARGES AND PROCESSING OVERFLIGHT
APPROVALS**

(Presented by IATA)

SUMMARY

This paper is to remind States of the key principles and recommendations detailed in *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082) and *Manual on Air Navigation Services Economics* (Doc 9161) on Air Navigation Service (ANS) charges, particularly the provisions relating to (prior) consultation with airspace users.

Meanwhile, this paper is to highlight Article 15 of the Chicago Convention and advocate for standardized and simplified solutions to process overflight approvals and removing the charges concerned.

1. INTRODUCTION

1.1 Setting ANS Charges: adequate consultation and transparency support a collaborative approach to effective planning and managing change and growth; something acknowledged as a key success factor in today's complex aviation environment. The following ICAO documents provide guidelines for setting ANS charges and consultation with Airspace Users (AUs):

- a) Doc 9082 contains guidance material for States relating to air navigation services charges. It encourages States to incorporate four key charging principles, namely nondiscrimination, cost-relatedness, transparency and consultation with users into their national legislation, regulation or policies, as well as into their future air services agreements, to ensure compliance by Air Navigation Service Providers (ANSPs).
- b) Doc 9161 provides practical guidance to States to assist in the efficient management of air navigation services and in implementing the provisions of Doc 9082.

1.2 Processing Overflight Approvals: a solution with standardized and simplified automation and/or online portal can reduce administrative burden and improve operational efficiency.

2. DISCUSSION

Setting ANS Charges

2.1 Doc 9082 acknowledges the importance of the air transport system to States and its influence in fostering economic, cultural and social interchanges between States. It also acknowledges the economic and financial challenges faced by ANSPs and airspace users (AUs).

2.2 Consultation with AUs is one of the four key charging principles detailed in ICAO Doc 9082, which contains specific recommendations regarding consultation with users on charges and air navigation services planning, namely:

- a) consultation with AUs before changes in charging systems or levels of charges are introduced is important;
- b) the purpose of consultation is to ensure that the provider gives adequate information to users relating to the proposed changes and considers the views of users and the effect the charges will have on them; and
- c) users or their representative organizations should also be consulted concerning capacity development and investment plans.

2.3 Consultation is needed to strike a balance between the respective interests of ANSPs on one hand, and of AUs on the other. ICAO Doc 9082 encourages States to ensure that a clearly defined, regular consultation process with users is established by providers.

2.4 Consultation and cooperation between ANSPs and AUs are also needed to ensure that the financial burdens facing all stakeholders are shared in a reasonable manner. This particularly applies during periods of economic uncertainty.

2.5 Doc 9161 provides practical guidance to States, ANSPs, and designated charging and regulatory authorities, to assist in the efficient management of air navigation services and in implementing the provisions of Doc 9082.

2.6 Consultation with AUs by providers within Asia/Pacific is often not in keeping with the provisions of Doc 9082 or Doc 9161, particularly in terms of:

- a) AUs simply being informed of changes, and this being deemed consultation; and
- b) lack of timely or adequate consultation with AUs before changes in charging system being determined, or insufficient levels of transparency regarding how the revenue raised by charges will be spent.

2.7 To encourage timely (i.e. prior to promulgation) and adequate consultation with AUs by providers, the meeting is requested to remind States of Doc 9082 and Doc 9161, and the principles and recommendations contained therein.

Processing Overflight Approvals

2.8 Currently, many States require separate applications for overflight approvals and in some cases Air Defense Clearance (ADCs) numbers for approval to transit an Air Defence Identification Zone (ADIZ) (generally for non-scheduled flights outside of the normal seasonal approvals), and the following challenges are observed and reported by operators:

- a) 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;
- b) due to the lack of automated approval processes being available, there are occasions when flight crews get challenged on ADC's just prior to a boundary;
- c) the email addresses published for support often go unanswered and/or phone numbers are not manned during the advertised hours, which are generally most needed when there is short notice for an unscheduled or delayed flight. Some overflight approval offices are only limited to weekday hours create significant challenges for airlines, in particular when last-minute non-scheduled requests arise on weekends. To meet operational needs such as ferry and rescue flights, the office should operate 24/7 with prompt response times;
- d) certain countries have requested that applications for non-scheduled flights be submitted in bundled formats to streamline the application process. However, it is often impractical and challenging for airlines to accurately forecast requests for ad hoc or non-scheduled flights. Additionally, recent regulations require carriers to provide up to 10 possible aircraft tail numbers when applying. This presents significant difficulties, as overflight permits are typically requested several weeks in advance, making it impossible for airlines to determine fleet utilization until much closer to the date of operation; and
- e) some countries have also modernized their overflight system by using a portal to submit overflight requests. However, the user interface and user experience for certain systems are not very user-friendly. Additionally, the portal sometimes does not seem to be fully tested before launching for operation, causing confusion and numerous clarifications between authorities and airlines. Finally, as these portals are developed independently, there is a risk of divergence in terms of the information that airlines must provide. Requests for information should be limited to information that is strictly necessary and if further information is needed, there should be consideration of the development of a standard list of such information.

2.9 Therefore, the States are recommended to adopt advanced process that involves simply approving overflights and ADCs via acceptance of the flight plan submission (e.g., the "File and Fly" process used in Eurocontrol and some States in Africa and Middle East); or, to implement a standardized and automatically generated overflight approval (includes the ADC number) for airlines' requests through an online portal or dedicated email address.

2.10 Separately, States are reminded to adhere to Article 15 of the ICAO Chicago Convention and remove all fees, dues or charges for overflight approvals, including third party fees: *"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"*.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) note the information contained in this paper; and
- b) encourage States, if they have not already done so, to incorporate the four key charging principles from ICAO guidance documents into national legislation, regulation or policies, as well as into future air services agreements;
- c) provide direction to ANSPs within their State to comply with the guidance and intent of the ICAO guidance documents (Docs 9082 and 9161), and particularly the provisions relating to consultation with AUs;
- d) recommend standardized and simplified solutions to process overflight approvals and remove all fees, dues or charges concerned; and
- e) discuss any relevant matters as appropriate.

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