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FOURTEENTH AIR NAVIGATION CONFERENCE

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Agenda Item 3: Air Navigation System Performance Improvement

3.1: Proposals to improve the efficiency of air navigation services contributing to LTAG

EFFICIENCY IN THE OVERFLIGHT PERMIT PROCESS

(Presented by the International Air Transport Association (IATA) and
International Business Aviation Council (IBAC))

EXECUTIVE SUMMARY

This document addresses airspace users' challenges when seeking overflight permissions from States. Many States do not require overflight permits, yet certain mandate commercial air carriers to obtain these permits, even if the State is a party to the *International Air Services Transit Agreement* (IASTA) or *Bilateral Air Services Agreements*. The application process for overflight permits is often intricate and lacks global uniformity, while the time needed to process them restricts operators from selecting efficient routes and accessing open markets.

1. INTRODUCTION

1.1 The Chicago Convention of 1944 establishes the international legal framework that governs access of civil aircraft engaged in scheduled and non-scheduled flights to foreign airspace.

1.2 It acknowledges States' complete and exclusive sovereignty over the airspace above their territory, which includes the right to permit or deny flights into its airspace and to regulate all movements within such territory.

1.3 However, for States that are signatories to the *International Air Services Transit Agreement* (IASTA), there is an exemption from the requirement to request overflight clearance permits. Specifically, Article I, Section 1 of the IASTA stipulates that each Contracting State grants the other Contracting State the privilege to fly across its territory without landing and to land for non-traffic purposes.

1.4 *Bilateral and Multi-lateral Air Services Agreements* are also a factor in facilitating international civil aviation. They serve as the legal framework for air transport services between signatory States. These agreements typically grant designated airlines of each State to operate commercial flights through the airspace of the other State.

1.5 Despite these provisions, the process currently in place for obtaining overflight authorizations is becoming increasingly unharmonized, cumbersome, and costly to comply with.

1.6 Airlines allocate considerable resources to planning and securing overflight permits, a process undertaken at the start of each winter and summer season for both scheduled and non-scheduled flights. This process intensifies during airline disruptions or contingency coordination events.

1.7 The lack of global harmonization in the overflight permit procedures and requirements complicates the situation, leading to inefficiencies in the air transport system. This inconsistency complicates the optimization of airline fleet and network performance and may also trigger unexpected aircraft, routes, or flight crew changes.

1.8 In accordance with the spirit of Article 44 d) of the Chicago Convention 1944, which underscores the need for safe, regular, efficient, and economical air transport to meet the needs of the world's people, a simplified and standardized overflight permit process would be instrumental. This process would directly contribute to the efficiency and economy of international air transport, thereby fulfilling the mandate of the Convention and the objectives of ICAO.

1.9 All facts considered, and recognizing a State can have reasons other than operational to require an overflight permit, the submission of an air traffic services (ATS) flight plan should provide the State with sufficient details required to process a safe and efficient flight

2. DISCUSSION

2.1 Updating overflight permit requirements: The current overflight permit requirements have not kept pace with aviation's technological advancements. They must be revised and standardized to align with the current operating environment and international aviation treaties.

2.2 Resource-intense permit processing: The application process for overflight permits requires substantial back-office personnel. The seasonal shift in network planning during summer and winter schedules further demands additional resources. This is primarily due to the variance of overflight permit platforms employed by States, often requiring manual intervention.

2.3 Long lead time: Some States require up to 15 days prior notification before flight for non-scheduled flights and up to seven days for scheduled flights. This presents a challenge when planning for non-scheduled flights.

2.4 More visibility and monitoring of the process: Once the overflight permit applications have been submitted, operators cannot track the request. Time is lost in emails, aeronautical fixed telecommunication network (AFTN) exchanges, and making phone calls to track the status of overflight permit applications.

2.5 Specific to entry/exit points: While States rightfully exercise absolute sovereignty over their airspace, the mandates of the preamble and Article 44 d) of the Chicago Convention advocate for safe, regular, efficient and economical air transport. In this context, certain State requirements, which are overly prescriptive in defining restrictive entry/exit points to their airspace, pose a challenge. This restrictiveness hampers operators' ability to optimize their routes, thereby calling for a balanced approach.

2.6 Office access/special or non-scheduled flights/H24 office hours: In some States, overflight permit offices are not available 24 hours a day impacting flight and network punctuality, particularly during business continuity and recovery brought about by flight disruptions. Often, published emails and phone numbers for assistance are not functional at all times.

3. **CONCLUSION**

3.1 The Conference is invited to take note of the contents of this information paper, primarily regarding:

- a) the operational challenges encountered by the overflight permission application process; and
- b) the required standardization in the process of granting overflight permissions by States.

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