

## ASSEMBLY RESOLUTION A 32 - 14, APPENDIX N

### **Delineation of air traffic services (ATS) airspaces\* in regional air navigation plans**

*Whereas* Annex 11 to the Convention requires a Contracting State to determine those portions of airspace over its territory within which air traffic services will be provided and, thereafter, to arrange for such services to be established and provided;

*Whereas* 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;

*Whereas* both the delegating and the providing State can reserve the right to terminate any such agreement at any time; and

*Whereas* Annex 11 to the Convention prescribes that those portions of the airspace over the high seas where air traffic services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council normally on the advice of regional air navigation meetings;

The Assembly resolves, with reference to regional air navigation plans, that:

1. the boundaries of ATS airspaces, whether over States' territories or over the high seas, shall be established on the basis of technical and operational consideration with the aim of ensuring optimum efficiency and economy for both providers and users of the services;
2. if any ATS airspaces need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned;
3. the providing State in implementing air traffic services within airspace over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;
4. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the safety and regularity of the air traffic operating in the airspace concerned; and furthermore, declares that:
5. 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; and

\* The expression "ATS airspaces" includes flight information regions, control areas and control zones.

6. the approval of the Council of regional air navigation agreements relating to the provision by a State of air traffic services within airspace over the high seas does not imply recognition of sovereignty of that State over the airspace concerned.

### **Associated practices**

1. Contracting States should seek the most efficient and economic delineation of ATS airspaces, the optimum location of points for transfer of responsibility and the most efficient co-ordination procedures in co-operation with other States concerned and with the Organization.

2. Contracting States should consider, as necessary, 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.

3. The Council should encourage States providing air traffic services over the high seas to enter, as far as practicable, into agreements with appropriate States providing air traffic services in adjacent airspaces, so that, in the event the required air traffic services over the high seas cannot be provided, contingency plans, which may require temporary modifications of ATS airspace boundaries, will be available to be put into effect with the approval of the ICAO Council until the original services are restored.

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