

Extract from Annex 11 para. 2.1

2.1 Establishment of Authority

2.1.1 Contracting States shall determine, in accordance with the provisions of this Annex and for the territories over which they have jurisdiction, those portions of the airspace and those aerodromes where air traffic services will be provided. They shall thereafter arrange for such services to be established and provided in accordance with the provisions of this Annex, except that, by mutual agreement, a State may delegate to another State the responsibility for establishing and providing air traffic services in flight information regions, control areas or control zones extending over the territories of the former.

Note: if one State delegates to another State the responsibility for the provision of air traffic services over its territory, it does so without derogation of its national sovereignty. Similarly, the providing State's responsibility is limited to technical and operational considerations and does not extend beyond those pertaining to the safety and expedition of aircraft using the concerned airspace. Furthermore, the providing State in providing air traffic services within the territory of the delegating State will do so in accordance with the requirements of the latter which is expected to establish such facilities and services for the use of the providing State as are jointly agreed to be necessary. It is further expected that the delegating State would not withdraw or modify such facilities and services without prior consultation with the providing State. Both the delegating and providing States may terminate the agreement between them at any time.

2.1.2 Those portions of the airspace over the high seas or in airspace of undetermined sovereignty where air traffic services will be provided shall be determined on the basis of regional air navigation agreements. A Contracting State having accepted the responsibility to provide air traffic services in such portions of airspace shall thereafter arrange for the services to be established and provided in accordance with the provisions of this Annex.

Note 1 – The phrase “regional air navigation agreements” refers to the agreements approved by the Council of ICAO normally on the advice of Regional Air Navigation Meetings.

Note 2 – The Council, when approving the Foreword to this Annex, indicated that a Contracting State accepting responsibility for providing air traffic services over the high seas or in airspace of undetermined sovereignty may apply the Standards and Recommended Practices in a manner consistent with that adopted for airspace under its jurisdiction.

2.1.3 When it has been determined that air traffic services will be provided, the States concerned shall designate the authority responsible for providing such services.

Note 1 – The authority responsible for establishing and providing the services may be a State or a suitable Agency.

Note 2 – Situations which arise in respect of the establishment and provision of air traffic services to either part or whole of an international flight are as follows:

Situation 1: A route, or portion of a route, contained within airspace under the sovereignty of a State establishing and providing its own air traffic services.

Situation 2: A route, or portion of a route, contained within airspace under the sovereignty of a State which has, by mutual agreement, delegated to another State, responsibility for the establishment and provision of air traffic services.

Situation 3: A portion of a route contained within airspace over the high seas or in airspace of undetermined sovereignty for which a State has accepted the responsibility for the establishment and provision of air traffic services.

For the purpose of this Annex, the State which designates the authority responsible for establishing and providing the air traffic services is:

in situation 1: the State having sovereignty over the relevant portion of the airspace;

in situation 2: the State to whom responsibility for the establishment and provision of air traffic services has been delegated;

in situation 3: the State which has accepted the responsibility for the establishment and provision of air traffic services.

2.1.4 Where air traffic services are established, information shall be published as necessary to permit the utilization of such services.
