

**58th CONFERENCE OF
DIRECTORS GENERAL OF CIVIL AVIATION
ASIA AND PACIFIC REGIONS**

*Dhaka, Bangladesh
15 to 19 October 2023*

AGENDA ITEM 4: AIR NAVIGATION

**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.

OVERFLIGHT APPROVALS AND AIR DEFENCE CLEARANCE (ADC) NUMBERS

1. INTRODUCTION

1.1 Under the Chicago Convention of 1944 (Flight Operations), States are entitled to Territorial Sovereignty: *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 (ADC) numbers for approval to transit an Air Defence Identification Zone (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 being aligned with a State's ADIZ, airlines have to adapt to comply, with each requirement creating unnecessary additional manual workload and potential risk for error.

1.4 IATA members report a lack of automated approval processes in the APAC region and that there are occasions when flight crews get challenged on ADCs just prior to a boundary.

1.5 Additionally, emails sent to the addresses published for support of these approvals often go unanswered and/or phone numbers are not manned during the advertised hours. These are generally most needed when there is a short notice, unscheduled or delayed flight.

1.6 This paper summarises IATA's proposed solutions to ATM/SG/11 and APANPIRG34 to help simplify and standardize the process.

2. DISCUSSION

Advocate for 'File n Fly'

2.1 An easy and user-friendly solution is for States to adopt the "File and Fly" process used in Eurocontrol and some States in Africa and the Middle East. This involves approval being given via acceptance of the flight plan submission.

2.2 The ICAO flight plan (FPL) 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 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 and 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. The information required from airlines should be standardised and globally harmonized and agreed by APANPIRG so as to support its implementation.

2.6 Any additional information required by the State could be requested through an airline's contact requesting the OVFC permission. This simplified process could 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

2.7 States may exercise a right under the Convention to introduce a requirement for permission for overflight under "States" responsibility; however, when a State elects to exercise this right, such processes and the cost of those processes should be the State's responsibility.

2.8 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.

2.9 Such practice is not in accordance with the ICAO Convention and constrains airlines' operational flexibility to support the region's economic activities.

2.10 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".

2.11 IATA again strongly urges adherence to Article 15 of the ICAO Chicago Convention.

2.12 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 activity through flexible airline operations.

2.13 IATA asks that the DGCA/58 conference consider support for these requests.

3. ACTION BY THE CONFERENCE

3.1 The Conference is invited to:

- a) note the information contained in this paper;
- b) consider urging States to
 - i. adhere to Article 15 of the ICAO Chicago Convention and remove all charges for overflight approvals, including third-party fees
 - ii. 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; and
 - iii. adopt a "File and Fly" process to approve overflights and ADCs via acceptance of the flight plan submission; or, failing the adoption of ii and iii
 - iv. 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; and
- c) discuss any relevant matters as appropriate.