WORKING PAPER

FOURTEENTH AIR NAVIGATION CONFERENCE

Montréal, Canada, 26 August to 6 September 2024

Agenda Item 3: **Air Navigation System Performance Improvement**
   3.1: **Proposals to improve the efficiency of air navigation services contributing to LTAG**

CROSS-BORDER OPERATIONS OF AIR TRAFFIC SERVICES

(Presented by the International Transport Workers' Federation (ITF))

EXECUTIVE SUMMARY

This paper presents information regarding cross-border operations of air traffic services (ATS) and asks ICAO to ensure that any expansion of the current concept is safe.

Action: The Conference is invited to:
a) note the information on the use and expansion of the cross-border operations of ATS concept;
b) request the ICAO Secretariat to work with all stakeholders to ensure that any expansion of cross-border operations of ATS maintains or improves current levels of operational aviation safety;
c) request the ICAO Secretariat to update Annex 11 — *Air Traffic Services* and other relevant documentation to ensure any expansion of cross-border operations of ATS maintains or improves current levels of operational safety;
d) request the ICAO Secretariat to update Annex 11 with recommendations for States to ensure more harmonization in method of operations, airspace design and classifications at adjacent borders, as well as sharing of data to encourage safety and environmental benefits; and
e) request the ICAO Secretariat to ensure any framework it may be instructed to develop to aid in the expansion of cross-border operations of ATS at any point in the future, takes into account issues regarding the legal and judicial implications, ongoing licensing and competency factors, and the work of other specialized United Nations agencies such as the International Labour Organisation (ILO).

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1.   INTRODUCTION

1.1   The concept of cross-border operations has been in practice for many years.

1.2   The most often understood concepts of cross-border operations fall into two distinct categories: ATS provided by one or more States in airspace over largely international waters such as oceans,

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[1] Arabic, Chinese, English, French Russian and Spanish versions provided by ITF.

and ATS provided by one or more States in airspace over sovereign nations not belonging to the State providing the service.

1.3   There are innumerable examples of the latter all around the world, particularly at international boundaries where portions of airspace are delegated between two or more States, with other examples including air traffic services provision by one or more States, to one or more States, on a more wide-ranging and complex basis, the likes of which is seen at Maastricht Upper Area Control Centre ATS provided in airspace over four sovereign nations).

2.   **DISCUSSION**

2.1   Cross-border operations of air traffic management are therefore not new and have their place in the future of aviation to unlock opportunities.

2.2   One way to unlock opportunities with cross-border operations beyond that mentioned previously would include the streamlining and harmonizing of airspace particularly at interfaces. This includes the procedures for handling aircraft, as well as the design and classification of airspace at interfaces.

2.3   Other opportunities lie in the sharing of data between air navigation services providers (ANSPs) and States to improve arrival/departure rates and to prevent bunching. Any improvement in this area has the potential to introduce safety benefits, as well as environmental targets.

2.4   The more challenging way that cross-border operations of ATS could be developed is through the idea of a decentralized management of sovereign airspace. This may include a more widespread and comprehensive approach to cross-border operations where a sovereign State provides ATS in part or wholly to another sovereign State which may or may not be adjacent. Such service provision may be temporary or long term, and the service provision may also be "switched on and off" between States or providers on a regular or irregular basis. ICAO may be challenged by Member States to provide a framework for this.

2.5   Any such framework would have to take cognisance of a wide variety of factors and implications, including the legalities between sovereign States and the legal implication of cross-border operations, the impact on sovereign military operations and status, and the status of the judicial system as a whole.

2.6   Any such framework would have to take cognisance of licensing and competency elements of staff providing services under cross-border operations, particularly where that airspace service provision is being "switched off" or reverted between two or more providers on a regular or irregular basis.

2.7   Any such framework would have to consider the effects on the financing of air navigation service provision and its split between the various actors.

2.8   Any such framework would also have to consider other factors including the adherence to ILO conventions and recommendations. ICAO, as a specialized agency of the United Nations alongside the ILO, has a duty to ensure any framework its Secretariat might develop is in adherence with ILO conventions and recommendations so that it does not inadvertently introduce problems for Member States attempting to expand cross-border operations of ATS at regional or State level.

3.   **CONCLUSION**

3.1   Broadly speaking there are two principal methods of improving the provision of ATS at international frontiers and boundaries of sovereign airspace, namely harmonization of procedures and airspace at boundaries and a wholesale expansion of service provision by one or more States in the airspace traditionally belonging to another sovereign State.

3.2   There are a whole host of challenges in both of these, but particularly with the latter of the two methods as mentioned in 3.1. There could be unforeseen consequences of the poor execution of expanded cross-border operations, which ultimately could affect current levels of operational safety.

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