

**Common Format Letter of  
Agreement  
Between Air Traffic  
Services Units**

**ASM.ET1.ST015 DEL01/02**

|                     |          |                       |
|---------------------|----------|-----------------------|
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### Abstract

The Common Format Letter of Agreement between Air Traffic Services Units constitutes a model for describing ATS coordination procedures to be used between ATS units of the ECAC Member States when drafting their operational Letters of Agreement.

This document also contains guidance material related to cross border provision of air traffic services.

### Keywords

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## FOREWORD

The European Air Traffic Control Harmonisation and Integration Programme (EATCHIP) Liaison Officers at their tenth meeting concluded that “a Common Format Letter of Agreement would facilitate the implementation of common cross-border ATC procedures and enhance the common interpretation and application of these procedures”.

Based on this conclusion, the ATM Procedures Development Sub-Group (APDSG) of the EATCHIP Airspace & Navigation Team (ANT) developed a Common Format, Cross-Border, Inter-Centre Letter of Agreement (hereinafter referred to as the Common Format LoA) to be used as a comprehensive resource document for ECAC Member States in the production of their operational Letters of Agreement.

The Common Format LoA represented the Deliverable ASM.ET1.ST015 DEL01 of the EATCHIP Work Programme entitled “Agreed Common format for letter of agreement between ATC Centres of ECAC Member States”.

The Common Format LoA was supplemented with Operational Annexes. The Operational Annexes represent Deliverable ASM.ET1.ST015 DEL02 of the EATCHIP Work Programme entitled “Agreed Common Optimised Inter-centre Coordination Procedures”.

The Deliverables above are the prerequisite requirements of the Convergence and Implementation Plan (CIP) Objective 3.6.2 entitled “Common Format for Inter-Centre Letter of Agreement”.

Edition 2.0, which had an effective date of 1 June 2001, incorporated text pertaining to EUR RVSM, in accordance with a decision of the 24<sup>th</sup> Meeting of the ANT.

Edition 3.0, re-titled Common Format Letter of Agreement between Air Traffic Services Units (hereinafter referred to as The Common Format LoA) and approved by ANT/35, which has an effective date of 1 January 2005, incorporates ATC procedures related to Mode S. In the interest of harmonization of ATC procedures, ANT/35 also made the document applicable for use between ATS units of adjacent States and, to the extent possible, between ATS units of the same State.

Edition 4.0, effective from 15 March 2012, reflects latest amendments to ICAO PANS ATM (Doc 4444) , EUR Regional SUPPS (Doc 7030) and the latest Single Sky legislation pertaining to cross border provision of air traffic services .

The Common Format LoA will be updated by the EUROCONTROL Network Operations Team. Proposals for amendments should be submitted by ECAC Member States’ representatives for consideration by the EUROCONTROL Network Operations Team.

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## **CHAPTER 1**

### **GUIDELINES ON THE CONCLUSION OF A LETTER OF AGREEMENT**

#### **1.1 INTRODUCTION**

- 1.1.1 The following general guidelines have been developed to assist the ECAC Member States and the Air Traffic Service Providers in drafting their operational Letters of Agreement (LoA). The purpose of these guidelines is to ensure uniformity in the signatory procedures of the LoAs and to draw the attention to those legal aspects related to the signing of a LoA.

#### **1.2 GENERAL GUIDELINES**

- 1.2.1 When drafting a Letter of Agreement between two ATS units, the "Common Format, Letter of Agreement between ATS Units" as produced by EUROCONTROL, should be used to the extent possible to achieve a high level of uniformity in respect of operational requirements throughout the ECAC area.
- 1.2.2 Normally, a LoA should be signed by at least the representatives of the ATS units concerned having a mandate to sign a LoA.
- 1.2.3 Depending on the nature and scope of the Agreement, as well as the legal framework of the States concerned, there may be a requirement that the Agreement is also signed by the "Approving Authorities" having legal jurisdiction over the provision of ATS.
- 1.2.4 The Approving Authorities should consider the legal aspects of signing a LoA: i.e. the contents of the LoA must be in accordance with national legislation of the State whose representative (i.e. the Approving Authority) has the mandate to sign a LoA.
- 1.2.5 By considering the legal aspects of a LoA, special attention should be paid to the legal liability aspects that may apply in the case of:
- delegation of the responsibility for the provision of ATS (hereinafter referred to as delegation of ATS) in a portion of the airspace from State A to an ATS unit falling under the authority of another State B (and vice versa);
  - areas where an air traffic service provider, under the authority of State A, was designated by State B to provide ATS in part of its airspace (and vice versa);
  - areas where subsequent to an agreement between air traffic services providers, an ATS Unit under the authority of State A avail itself the provision of ATS in an volume of airspace of State B.
- 1.2.6 For any of the cases mentioned in 1.2.5 the specific services to be provided by an ATS unit in areas for cross border provision of ATS, or part thereof, should be clearly specified (this is normally also done in the relevant AIP).

- 1.2.7 The representatives of the ATS units co-signing the LoA should consider the legal aspects of the operational procedures published in the LoA; i.e. check their conformity with ATS procedures as published by ICAO, EU and/or National Aviation Laws.
- 1.2.8 Deviations from normal ICAO standard procedures or special requirements to be applied by the ATS unit providing ATS, by virtue of delegation of ATS, or direct designation or by availing itself of the provision of ATS in a defined area, shall be clearly specified in the LoAs.

### **1.3 STRUCTURE OF THE LoA**

- 1.3.1 The detailed coordination procedures shall be published as Annexes to a Letter of Agreement, and as such will form an integral part of the LoA.
- 1.3.2 In order to have all LoAs in a common format, Annexes A - F shall always be attached to the LoA, even in the case where a specific Annex is not applicable in which case it shall state so, on the relevant Annex page.
- 1.3.3 To the same extent, when a specific paragraph within a LoA does not apply, it shall be so stated immediately after the paragraph number.
- 1.3.4 Annex G, being optional, need only to be attached should the requirement for the Annex have been identified by the ATS units concerned.
- 1.3.5 For quick and easy reference to specific paragraphs in the LoA and its Annexes, the following shall apply:
  - The LoA and its Annexes shall have separate page numberings.
  - The Annexes shall be named Annex A, Annex B, etc.
  - In the Annexes, the numbering of the pages/paragraphs shall include the relevant letter of the Annex as a prefix, e.g. Annex A, page/para. A.1.
  - Revisions to an Annex shall result in the revision of the entire relevant Annex.
  - Each page of the LoA shall include the respective effective dates.
  - Each page of an Annex will contain either the effective date of the LoA to which it is annexed, or the revised date, for revisions to an Annex independent of a revision to its LoA.

## CHAPTER 2

### **GUIDANCE ON THE USE OF THE COMMON FORMAT, LETTER OF AGREEMENT BETWEEN AIR TRAFFIC SERVICES UNITS (ATSU) (COMMON FORMAT LoA)**

#### **2.1 INTRODUCTION.**

- 2.1.1 The Common Format, Letter of Agreement between Air Traffic Services Units (Common Format LoA) is designed as an instrument that seeks to harmonize the widest possible spectrum of coordination procedures. The widespread use of Common Format LoA will contribute to the achievement of a high level of uniformity in respect of operational requirements throughout the ECAC area.
- 2.1.2 The document may, however, be unable to provide for all aspects of a given situation between two ATS units. As such, its contents should not be considered as exhaustive and may have to be adapted as required at the level of development.
- 2.1.3 The structure and the content of the LoA template was designed to accommodate ICAO requirements pertaining to coordination and transfer of control of aircraft between ATC units, as promulgated in ICAO Annex 11, Doc 4444 (PANS-ATM) and supplemented by Doc 7030 (EUR SUPPs). Although tailored to accommodate agreements for coordination and transfer of aircraft between units providing air traffic control, a similar approach is recommended where necessary to conclude agreements for coordination of traffic between:
- units providing air traffic control and units providing flight information services,
  - units providing flight information services, and
  - units providing ATS and other units.

When so doing, those responsible to draft such agreements should ensure that only the relevant provisions are addressed in the LoA.

- 2.1.4 Chapter 3 consists of the Common Format LoA with guidance material on its application integrated. The guidance is provided in the shaded boxes, and refers only to those areas of the Common Format LoA where clarification or expansion on its proper application is required. It should be considered as guidelines, rationale, explanations, etc.
- 2.1.5 The Common Format LoA, available for use as a template in Microsoft Word format is available for download on EUROCONTROL OneSky Online portal.

#### **2.2 CONVENTIONS.**

- 2.2.1 The information appearing in [square brackets] indicates specific information is mandatory, and as such must be inserted.
- 2.2.2 The inclusion of words into the fields, which in the Common Format LoA have been italicised, is optional.

2.2.3 The term "Not Applicable" will indicate that either an entire Annex or a particular paragraph does not apply.

2.2.4 In order to classify the strength of the operational requirements and principles laid down in the agreement, the following conventions are used:

- The word "shall" denotes a mandatory requirement
- The word "should" denotes a preferred requirement
- The word "may" denotes an option
- The word "will" denotes a statement of intent

2.2.5 Two common formats for Annex C have been developed:

- Annex C<sup>1</sup> - for use in the development of a Letter of Agreement in an automated flight data exchange environment
- Annex C<sup>2</sup> - for use in the development of a Letter of Agreement where flight data is exchanged verbally

2.2.6 Consequently, the actual Annex C developed will drop the reference to either of the superscripts <sup>1</sup> or <sup>2</sup>.

## 2.3 STRUCTURE OF THE COMMON FORMAT LoA.

### Letter of Agreement:

- General.
- Areas of Responsibility and Delegation of the Responsibility for the Provision of ATS.
- Procedures.
- Revisions and Deviations.
- Cancellation.
- Interpretation and settlement of disputes.
- Validity.
- Appendices with maps describing Delegations of ATS (if applicable).

### Annex A: Definitions and Abbreviations.

- Definitions.
- Abbreviations.

### Annex B: Area of Common Interest.

- Airspace Structure and Classification within the Area of Common Interest.
- Sectorisation.
- Special Areas within the Area of Common Interest.
- Non-Published Coordination Points.
- Appendices with maps describing Sectorisation and Special Areas.

### Annex C<sup>1</sup>: Exchange of Flight Data (Automatic).

- General.
- Means of Communications and their Use.
- Failure of Ground/Ground Voice Communications.
- Appendix with details for Automatic Data Exchange.

### Annex C<sup>2</sup>: Exchange of Flight Data (Verbal).

- General.
- Means of Communications and their Use.
- Failure of Ground/Ground Voice Communications.

**Annex D: Procedures for Coordination.**

- General Conditions for Acceptance of Flights.
- ATS Routes, Coordination Points and Level Allocation.
- Special Procedures.
- Coordination of Status of Special Areas in the Area of Common Interest.
- *VFR Flights.*

**Annex E: Transfer of Control and Transfer of Communications.**

- Transfer of Control.
- Transfer of Communications.
- Specific Points for Transfer of Control and Transfer of Communications.

**Annex F: ATS Surveillance Based Coordination Procedures.**

- General.
- Transfer of Aircraft Identification.
- Transfer of Control.
- Reduced Longitudinal Separation.

**Annex G: *Supplementary Procedures.***

- *Runway Configurations and type of Instrument Approach Procedures.*
- *Take-off and Clearance Expiry Times, and Delay to Departing Traffic due to Congestion.*
- *Coordination of Missed Approaches.*
- *Low Visibility Procedures.*
- *Special VFR operations.*
- *Planning and Coordination of special events.*
- *Contingency plans.*

**Annex H: Checklist of Pages.**

## CHAPTER 3

### THE COMMON FORMAT LoA

#### LETTER OF AGREEMENT

between

[Approving Authority State A]

[Approving Authority State B]

and

[ATS Unit 1]

[ATS Unit 2]

Effective: [date]

#### 1 General.

##### 1.1 Purpose.

The purpose of this Letter of Agreement is to define the coordination procedures to be applied between [ATS Unit 1] and [ATS Unit 2] when providing ATS to [General Air Traffic (IFR/VFR) and/or Operational Air Traffic].

These procedures are supplementary to those specified in ICAO, Community Regulations, inter-State or inter air traffic service provider's agreements and/or National documents.

"VFR" has been italicised to allow for the provision of coordination procedures for VFR traffic, if so required. Consequently, if VFR is included in this paragraph, coordination procedures for VFR traffic are either to be included in all of the relevant Annexes or consolidated in Annex G as a Supplementary Procedure.

"Operational Air Traffic" has been italicised to allow for the provision of coordination procedures for OAT traffic, should such a requirement have been identified by the States concerned. Consequently, if OAT is specified in this paragraph, coordination procedures for OAT traffic are either to be included in the relevant Annexes or consolidated in Annex G as a Supplementary Procedure.

##### 1.2 Operational Status.

Both ATS Units shall keep each other advised of any changes in the operational status of their facilities and navigation aids which may affect the procedures specified in this Letter of Agreement.

## 2 Areas of Responsibility for the Provision of ATS.

### 2.1 Areas of Responsibility.

The lateral and vertical limits of the respective areas of responsibility are as follows:

Note: See paragraph 2.2.

#### 2.1.1 [ATS Unit 1].

Lateral limits:

Vertical limits:

ICAO airspace classification for the area of responsibility of [ATS Unit 1] along the common boundary of the areas of responsibility of [ATS Unit 1] and [ATS Unit 2] is described in Annex B to this Letter of Agreement.

Reference shall be made to the applicable AIP(s). When the lateral and/or vertical limits of the Area of Responsibility do not correspond to the lateral and/or vertical limits of the FIR/UIR(s), a detailed description shall be provided.

For the purpose of this particular Letter of Agreement, the Area of Responsibility of ATS Unit 1 shall include the area(s) specified in paragraph 2.2.1 and/or exclude the area(s) specified in paragraph 2.2.2.

#### 2.1.2 [ATS Unit 2].

Lateral limits:

Vertical limits:

ICAO airspace classification for the area of responsibility of [ATS Unit 2] along the common boundary of the areas of responsibility of [ATS Unit 1] and [ATS Unit 2] is described in Annex B to this Letter of Agreement.

Reference shall be made to the applicable AIP(s). When the lateral and/or vertical limits of the Area of Responsibility do not correspond to the lateral and/or vertical limits of the FIR/UIR(s), a detailed description shall be provided.

For the purpose of this particular Letter of Agreement, the Area of Responsibility of ATS Unit 2 shall exclude the area(s) specified in paragraph 2.2.2 and/or include the area(s) specified in paragraph 2.2.1.

### 2.2 Areas for Cross Border Provision of ATS.

The areas defined as a result of the:

- An inter-State Level Agreement for the delegation of the responsibility for the provisions of ATS; or
- A direct designation by a Member State of an air traffic service provider holding a valid certificate in the Community; or
- An air traffic service provider availing itself of the services of another service provider that has been certified in the Community

are to be considered areas for cross border provision of ATS.

These areas defined in other agreements as shown above will be described in this section. The description should address physical dimension as well as the rules and regulations applicable to those areas.

#### 2.2.1 Areas for Cross Border Provision of ATS by [ATS Unit 1].

Within the [YYYY FIR/UIR] the provision of ATS in accordance with the airspace classification is performed by [ATS Unit 1] within the following area(s):

When the Area of Responsibility of an ATS unit defined in 2.1.1 includes portions of airspace in FIRs/UIRs where specific national regulations different from ICAO must be applied, such portions of airspace should be described as "areas for cross border provision of ATS"

#### 2.2.1.1 [Designation of Area] - see Appendix [X].

Lateral limits:

Vertical limits:

Airspace classification:

Details of national regulations of [State A], which differ from ICAO procedures, to be applied within the area by [ATS Unit 1]:

The Common Format LoA only provides for sub-paragraph 2.2.1.1. However, should multiple areas for cross border provision of ATS exist, the actual Letter of Agreement will provide for separate sub-paragraphs for each area concerned. Separate appendices shall contain maps describing each of the areas mentioned above. Should no such areas for cross border provision of ATS exist, the term "Not Applicable" shall be inserted.

#### 2.2.2 Areas for Cross Border Provision of ATS by [ATS Unit 2].

Within the [ZZZZ FIR/UIR] the provision of ATS in accordance with the airspace classification is performed by [ATS Unit 2] within the following area(s):

When the Area of Responsibility of an ATS unit defined in 2.1.2 includes portions of airspace in FIRs/UIRs where specific national regulations different from ICAO must be applied, such portions of airspace should be described as "areas for cross border provision of ATS"

##### 2.2.2.1 [Designation of Area] - see Appendix [X+1].

Lateral limits:

Vertical limits:

Airspace classification:

Details of national regulations of [State B], which differ from ICAO procedures, to be applied within the area by [ATS Unit 2]:

See guidance under sub-paragraph 2.2.1.1.

#### 2.2.3 Other Areas for Cross Border Provision of ATS.

Areas for cross-border provision of ATS defined with other co-ordinating air traffic services units along the common boundary of the areas of responsibility of [ATS Unit 1] and [ATS Unit 2] are described in Annex B to this Letter of Agreement.

#### 2.2.4 Alerting Service.

The ATS Unit responsible for the provision of ATS shall provide alerting service and shall co-ordinate with the appropriate rescue coordination Centre as required.

The ATS unit responsible for the provision of ATS within an area will require facilities for communications with the rescue coordination centre providing service for that area. These facilities should support the establishment of communication by direct speech or in combination with data link, within fifteen seconds (i.e. a telephone connection, established with the use of a dedicated telephone number, complies with the above requirements).

In the provision of alerting service in the delegated area, the delegating and controlling ATS units shall agree on the notification requirements between all ATS units concerned.

#### 2.2.5 Territorial Matters.

When applicable, the agreement should describe here the authority and procedure by which limitations or temporary suspensions of the Delegation of ATS will be addressed.

### 2.3 ***Special Provisions.***

Aspects of those provisions which require specific description may be detailed here.



### 3 Procedures.

- 3.1 The procedures to be applied by [ATS Unit 1] and [ATS Unit 2] are detailed in the Annexes to this Letter of Agreement:

Annex A: Definitions and Abbreviations  
Annex B: Area of Common Interest  
Annex C: Exchange of Flight Data  
Annex D: Procedures for Coordination  
Annex E: Transfer of Control and Transfer of Communications  
Annex F: ATS Surveillance Based Coordination Procedures  
*Annex G: Supplementary Procedures*  
Annex H: Checklist of Pages

- 3.2 These procedures shall be promulgated to the operational staff of the ATS units concerned.

### 4 Revisions and Deviations.

When deemed necessary by the signatories, the content of the present Letter of Agreement can be reviewed at regular intervals to assess the need for revisions of the Letter of Agreement and its Annexes.

#### 4.1 Revision of the Letter of Agreement.

The revision of the present Letter of Agreement, excluding Annexes and their Appendices, requires the mutual written consent of the signatories.

#### 4.2 Revision of the Annexes to the Letter of Agreement.

The revision of Annexes to the present Letter of Agreement requires the mutual written consent of the representatives of the respective ATS units designated by the respective signatories, normally the Heads of Operations at the respective units.

#### 4.3 Temporary Deviations.

When necessary, the Supervisors of the ATS units concerned may introduce, by mutual agreement and for a specified time period, temporary modifications to the procedures laid down in the Annexes to the present Letter of Agreement.

#### 4.4 Incidental Deviations.

Instances may arise where incidental deviations from the procedures specified in the Annexes to this Letter of Agreement may become necessary. Under these circumstances air traffic controllers are expected to exercise their best judgement to ensure the safety and efficiency of air traffic.

### 5 Cancellation.

- 5.1 Cancellation of the present Letter of Agreement by mutual agreement of the respective Approving Authorities may take place at any time.

- 5.2 Cancellation of this Letter of Agreement by either Approving Authority is possible at any time, provided that the cancelling party declares its intention to cancel the Letter of Agreement with a minimum pre-notification time of [*time period*] before the date the cancellation is to take effect.

## 6 Interpretation and Settlement of Disputes.

- 6.1 Should any doubt or diverging views arise regarding the interpretation of any provision of the present Letter of Agreement or in case of dispute regarding its application, the parties shall endeavour to reach a solution acceptable to both of them.
- 6.2 Should no agreement be reached, each of the parties shall refer to a higher level of its national aviation administration, to which the dispute shall be submitted for settlement.

## 7 Validity.

This Letter of Agreement becomes effective [date], and supersedes the Letter of Agreement between [ATS Unit 1] and [ATS Unit 2] dated [date].

[Place, date]

[Place, date]

\_\_\_\_\_  
[name]  
[Approving Authority State A]

\_\_\_\_\_  
[name]  
[Approving Authority State B]

Reference: Chapter 1, paragraph 1.2.3

[Place, date]

[Place, date]

\_\_\_\_\_  
[name of representative of ATS-unit 1]  
[ATS-Unit 1]

\_\_\_\_\_  
[name of representative of ATS-unit 2]  
[ATS-Unit 2]

Reference: Chapter 1, paragraph 1.2.2.

**Appendix [X]**  
**Paragraph 2.2.1.1**

## **Appendix [X+1]**

### **Paragraph 2.2.2.1**

[ATS Unit 1]

[ATS Unit 2]

## **Annex A.**

### **Definitions and Abbreviations.**

Effective: [date]

Revised: [date]

#### **A.1 Definitions.**

The Definitions in this Annex have been developed since there are no corresponding ICAO definitions and, as such, no common interpretation exists. The definitions so defined should result in a common interpretation and application.

##### **A.1.1 ATS Unit Area of Responsibility.**

An airspace of defined dimensions where a sole ATS unit has responsibility for providing air traffic services.

##### **A.1.2 Area of Common Interest.**

A volume of airspace as agreed between 2 ATS Units, extending into the adjacent/subjacent Areas of Responsibility, within which airspace structure and related activities may have an impact on air traffic coordination procedures.

##### **A.1.3 Division Level (DL).**

The level dividing two superimposed areas of responsibility for the provision of ATS.

##### **A.1.4 General Air Traffic (GAT).**

All flights which are conducted in accordance with the rules and procedures of ICAO and/or the national civil aviation regulations and legislation.

##### **A.1.5 Operational Air Traffic (OAT).**

All flights which do not comply with the provisions stated for GAT and for which rules and procedures have been specified by appropriate national authorities.

##### **A.1.6 Reduced Vertical Separation Minimum (RVSM).**

A vertical separation minimum of 300 m (1 000 ft) which is applied between FL 290 and FL 410 inclusive, on the basis of regional air navigation agreements and in accordance with conditions specified therein.

###### **A.1.6.1 RVSM Approved Aircraft.**

Aircraft that have received State approval for RVSM operations within the EUR RVSM airspace.

###### **A.1.6.2 RVSM Entry Point.**

The first reporting point over which an aircraft passes or is expected to pass immediately before, upon, or immediately after initial entry into EUR RVSM airspace, normally the first reference point for applying a 300 m (1 000 ft) vertical separation minimum between RVSM approved aircraft.

#### A.1.6.3 RVSM Exit Point.

The last reporting point over which an aircraft passes or is expected to pass immediately before, upon, or immediately after leaving EUR RVSM airspace, normally the last reference point for applying a 300 m (1 000 ft) vertical separation minimum between RVSM approved aircraft.

#### A.1.7 **Release.**

##### A.1.7.1 Release for Climb.

An authorization for the accepting unit to climb (a) specific aircraft before the transfer of control.

Note: The transferring unit/sector remains responsible within its Area of Responsibility for separation between the transferred aircraft and other aircraft unknown to the accepting unit/sector, unless otherwise agreed.

##### A.1.7.2 Release for Descent.

An authorization for the accepting unit to descend (a) specific aircraft before the transfer of control.

Note: The transferring unit/sector remains responsible within its Area of Responsibility for separation between the transferred aircraft and other aircraft unknown to the accepting unit/sector, unless otherwise agreed.

##### A.1.7.3 Release for Turn.

An authorization for the accepting unit to turn (a) specific aircraft away from the current flight path by not more than 45° before the transfer of control.

Note: The transferring unit/sector remains responsible within its Area of Responsibility for separation between the transferred aircraft and other aircraft unknown to the accepting unit/sector, unless otherwise agreed.

#### A.1.8 **State Aircraft.**

For the purposes of EUR RVSM, only aircraft used in military, customs or police services shall qualify as State aircraft.

## A.2 Abbreviations.

|              |   |              |   |
|--------------|---|--------------|---|
| <b>ABI</b>   | Advance Boundary Information              | <b>LAM</b>   | Logical Acknowledge (Message Type Designator) |
| <b>ACI*</b>  | Area of Common Interest                   | <b>LoA*</b>  | Letter of Agreement                           |
| <b>ACT</b>   | Activation Message                        | <b>LOF*</b>  | Logon Forward Message (OLDI)                  |
| <b>AIP</b>   | Aeronautical Information Publication      | <b>MAC*</b>  | Message for Abrogation of Coordination (OLDI) |
| <b>AMC*</b>  | Airspace Management Cell                  | <b>MFC*</b>  | Multi Frequency Coding (telephone system)     |
| <b>AoR*</b>  | Area of Responsibility                    | <b>NAN*</b>  | Next Authority Notified Message (OLDI)        |
| <b>ATC</b>   | Air Traffic Control                       | <b>NM</b>    | Nautical Mile                                 |
| <b>ATS</b>   | Air Traffic Services                      | <b>OAT*</b>  | Operational Air Traffic                       |
| <b>ATSP*</b> | Air Traffic Services Provider             | <b>OLDI</b>  | On-line Data Interchange                      |
| <b>CBA*</b>  | Cross Border Area                         | <b>ORCAM</b> | Originating Region Code Assignment Method     |
| <b>CDR*</b>  | Conditional Route                         | <b>PAC*</b>  | Pre-activation Message (OLDI)                 |
| <b>COP*</b>  | Coordination Point                        | <b>REV*</b>  | Revision Message                              |
| <b>CPDLC</b> | Controller-Pilot Data Link Communications | <b>RTF</b>   | Radio Telephony                               |
| <b>DL*</b>   | Division Level                            | <b>RVSM</b>  | Reduced Vertical Separation Minimum           |
| <b>ETO</b>   | Estimated Time Over Significant Point     | <b>SSR</b>   | Secondary Surveillance Radar                  |
| <b>FDPS</b>  | Flight Data Processing System             | <b>TSA*</b>  | Temporary Segregated Airspace                 |
| <b>FIC</b>   | Flight Information Centre                 | <b>UIR</b>   | Upper Flight Information Region               |
| <b>FIR</b>   | Flight Information Region                 | <b>VFR</b>   | Visual Flight Rules                           |
| <b>FMP*</b>  | Flow Management Position                  |              |   |
| <b>GAT*</b>  | General Air Traffic                       |              |   |
| <b>ICAO</b>  | International Civil Aviation Organization |              |   |
| <b>IFR</b>   | Instrument Flight Rules                   |              |   |

All of the abbreviations occurring in the actual Letter of Agreement should be inserted into this list of abbreviations.

Note: Abbreviations marked with an \* are non-ICAO abbreviations.

[ATS Unit 1]

[ATS Unit 2]

## Annex B.

### Area of Common Interest.

Controllers are required to be familiar with the airspace structure and restrictions existing immediately beyond his/her area of responsibility. This airspace has been called the Area of Common Interest (ACI). The extent to which that airspace will be described will be determined at the level of development of a particular Letter of Agreement. The description of the ACI is a mandatory element of a Letter of Agreement. The ACI, as a minimum, shall contain all of the cross-border ATS Routes.

Effective: [date]

Revised: [date]

### B.1 Airspace Structure and Classification within the Area of Common Interest.

#### B.1.1 [YYYY FIR/UIR].

| Area | Vertical limits | Airspace Classification |
|------|-----------------|-------------------------|
|      |                 |                         |
|      |                 |                         |
|      |                 |                         |

[Special regulations relevant to the provision of ATS in the ACI.]

#### B.1.2 [ZZZZ FIR/UIR].

| Area | Vertical limits | Airspace Classification |
|------|-----------------|-------------------------|
|      |                 |                         |
|      |                 |                         |
|      |                 |                         |

[Special regulations relevant to the provision of ATS in the ACI.]

### B.2 Sectorisation within the Area of Common Interest.

The sectorisation within the ACI is shown in Appendix 1 of Annex B.

The sectorisation within an ACI shall be described with the use of a map to be included as Appendix 1 to this Annex. A map describing the sectors in cross-section is as well encouraged as an additional means of enhancing the understanding of the vertical delineation of sectors within a complex ACI. Only information directly relevant to the description of the sectorisation should be included in the maps.



## **B.3 Special Areas within the Area of Common Interest.**

This section should describe the special areas within the area of common interest, such as:

- areas for cross-border provision of ATS;
- Cross Border Areas (CBAs);
- Temporary Segregated Areas (TSAs);
- AMC-manageable Restricted, Danger Areas or Prohibited Areas.

### **B.3.1 Areas for Cross-Border Provision of ATS defined with other ATS Units within the ACI.**

The areas defined as a result of:

- an inter-State Level Agreement for the delegation of the responsibility for the provisions of ATS; or
- a direct designation by a Member State of an air traffic service provider holding a valid certificate in the Community; or
- an air traffic service provider availing itself of the services of another service provider that has been certified in the Community

are to be considered areas for cross border provision of ATS.

These areas defined in other agreements as shown above will be described in this section. The description should address physical dimension as well as the rules and regulations applicable to those areas

[description of areas for cross-border provision of ATS defined with other ATS units, if applicable - reference to Appendix 2 of Annex B. (map)]

The incorporation of a map describing areas for cross border provision of ATS shall be depicted in Appendix 2 to this Annex.

### **B.3.2 Other Areas.**

[description of any other relevant areas, if applicable - reference to Appendix 2 of Annex B (map)]

Those areas that can directly influence the exchange of traffic, such as CBAs, TSAs, AMC-manageable Restricted or Danger Areas and Prohibited Areas, shall be depicted here.

## **B.4 Non-published Coordination Points within the Area of Common Interest.**

COPs that are not related to significant points published in relevant AIPs

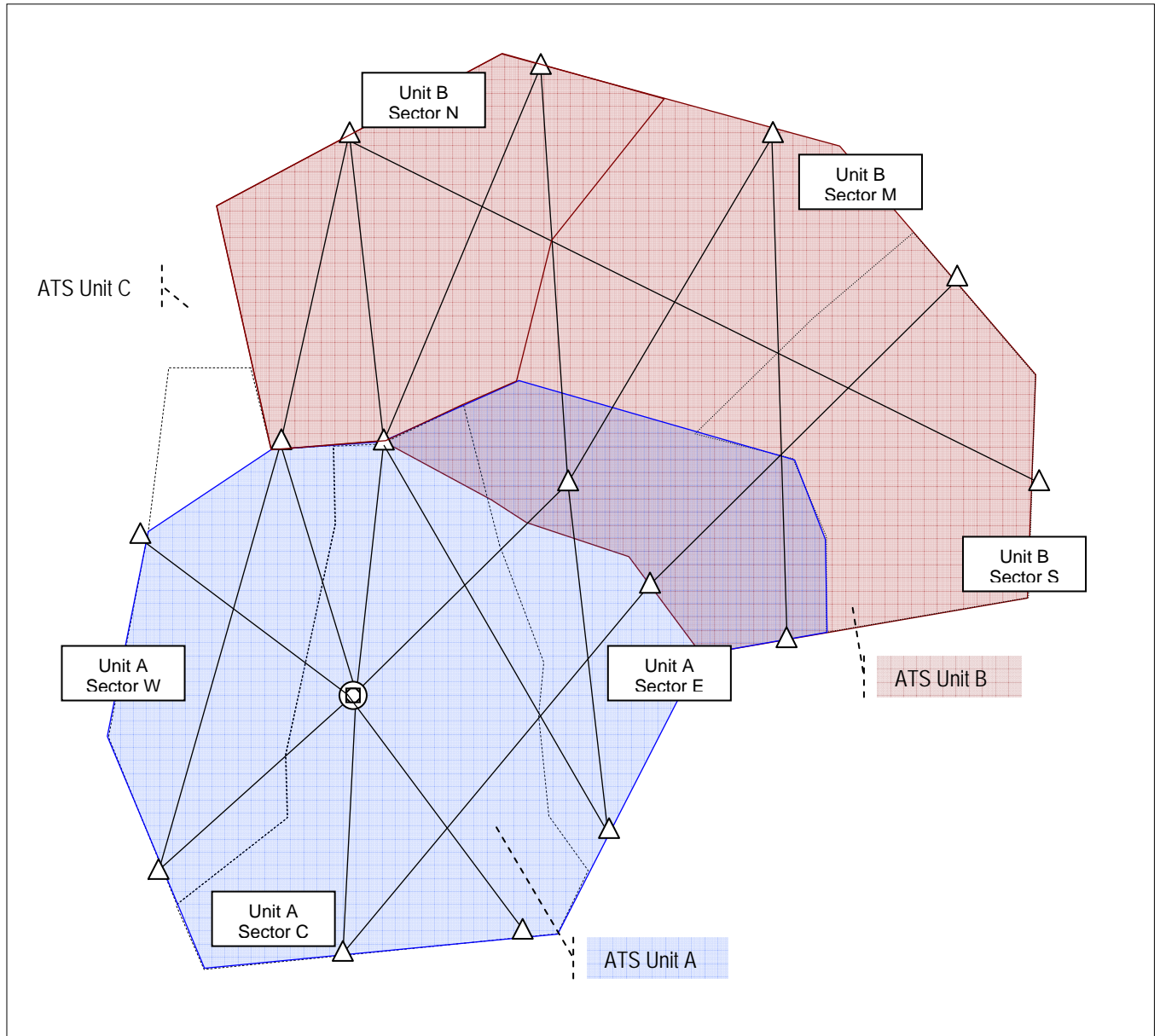
[COP] [co-ordinates]

Non-published Coordination Points may be required for system support.

## Appendix 1 of Annex B

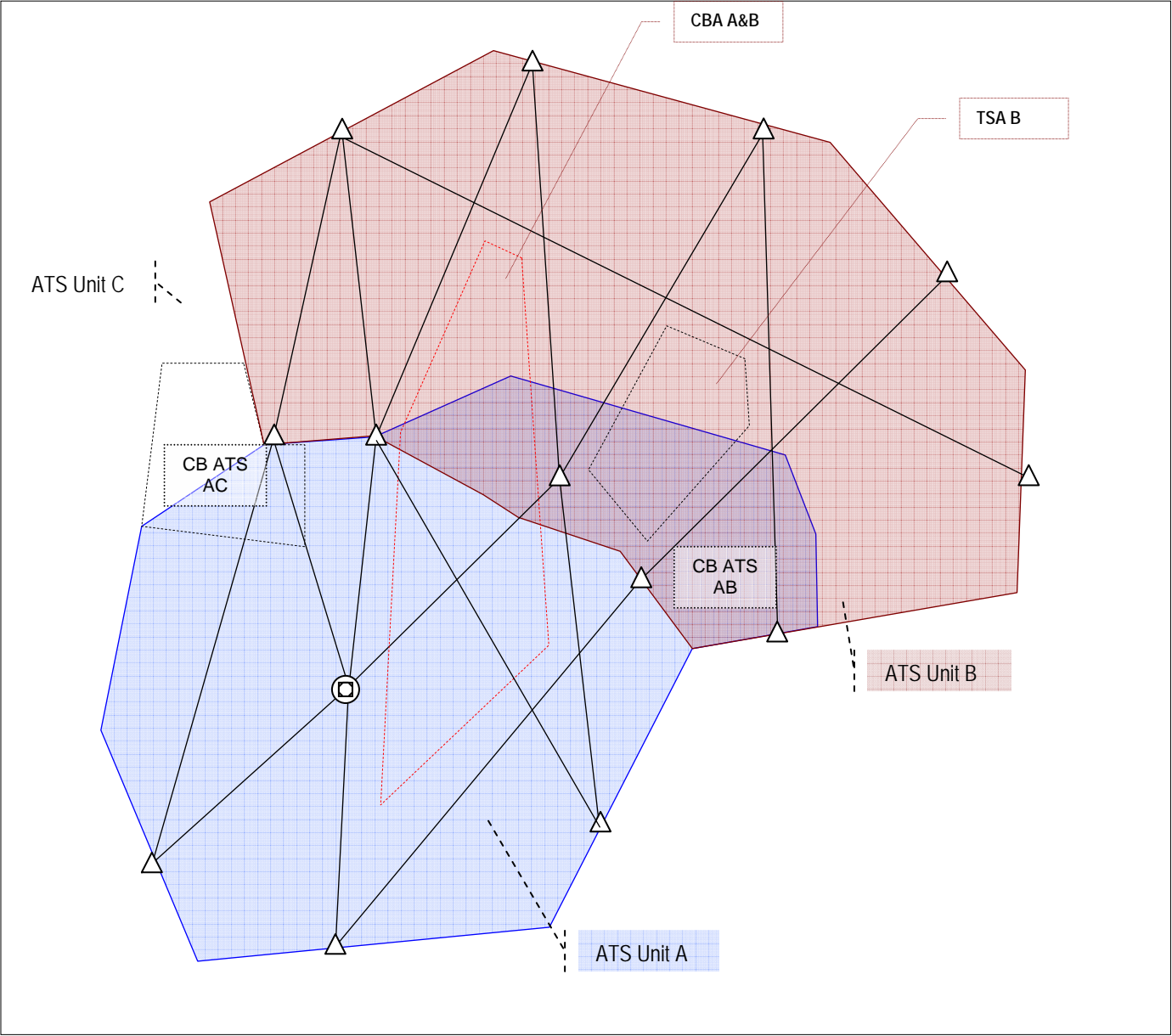
### Sectorisation.

Maps should reflect any RVSM-related change(s) to sectorisation within the Area of Common Interest, where applicable.



Appendix 2 of Annex B

Designated special areas.



[ATS Unit 1]

[ATS Unit 2]

## Annex C<sup>1</sup>.

### Exchange of Flight Data. (with automatic data exchange)

Effective: [date]

Revised: [date]

#### C.1 General.

##### C.1.1 Basic Flight Plans.

Basic flight plan data should normally be available at both ATS Units.

##### C.1.2 Current Flight Plan Data.

Messages, including current flight plan data, shall be forwarded by the transferring ATS Unit to the accepting ATS Unit either by automatic data exchange or by telephone to the appropriate sector/position.

##### C.1.2.1 Automatic Data Exchange.

ABI/ACT/LAM/PAC/REV/MAC messages are exchanged between the two ATS Units in accordance with Appendix 1 to Annex C<sup>1</sup>.

The implementation of ABI/ACT/LAM/REV/PAC/MAC messages is mandatory in accordance with Regulation (EC) No 1032/2006. These messages are defined by the EUROCONTROL Specifications for On-Line Data Interchange (OLDI).

The ATS units providing data link services in accordance with Regulation (EC) No 29/2009 shall detail in this Annex the use of LOF and NAN messages.

If other OLDI messages are system supported, they should be included in this Annex.

Within the context of RVSM, ATS Units may wish to consider increased time and/or distance parameters for the exchange of automated messages pertaining to non-RVSM approved aircraft which will enter EUR RVSM airspace for which they are responsible, as a means of facilitating planning for the integration of such traffic in accordance with a 600 m (2 000 ft) vertical separation minimum. Any such changes should be recorded in Appendix 1 to this Annex.

##### C.1.2.2 Verbal Estimates.

For conditions that are not supported by the automatic data exchange, verbal estimates will be exchanged.

A verbal estimate shall be passed to the appropriate sector at the accepting ATS Unit at least [value to be decided] minutes prior, but not earlier than 30 minutes before the aircraft is estimated to pass the transfer of control point.

Within the context of RVSM, the following should, where applicable, be considered for inclusion in this paragraph:

For a non-RVSM approved aircraft which will enter or is operating within RVSM airspace, a verbal estimate shall be passed to the appropriate sector/position at the accepting ATS Unit at least [value to be decided] minutes before the aircraft is estimated to pass the transfer of control point.

A verbal estimate shall contain:

a) Call sign.

Note: To indicate that the flight plan is available, the accepting ATS Unit should state aircraft type and destination after having received the call sign.

b) SSR code;

Note: Normally, the notification of a SSR code indicates that the selection of that code by the aircraft was verified.

c) ETO for the appropriate COP as laid down in Annex D to this LoA.

d) Cleared level, specifying climb or descent conditions if applicable, at the transfer of control point.

Requested level if different from cleared level.

e) Other information, if applicable.

Within the context of RVSM, the following should, where applicable, be included:

1. When an automated message pertaining to a non-RVSM approved aircraft does not contain the filed flight plan information relevant to RVSM operations, the transferring ATS Unit shall supplement the verbal estimate to the accepting ATS Unit, using the phrase "NEGATIVE RVSM" or "NEGATIVE RVSM STATE AIRCRAFT", as applicable.
2. When an RVSM approved aircraft is unable to continue to meet the vertical navigation accuracy required to operate within EUR RVSM airspace, the transferring ATS Unit shall inform the accepting ATS Unit by verbally supplementing the associated coordination message(s), using the phrase "UNABLE RVSM DUE EQUIPMENT" or "UNABLE RVSM DUE TURBULENCE", as applicable.
3. When an aircraft is experiencing an in-flight contingency which impacts on RVSM operations, the transferring ATS Unit shall inform the accepting ATS Unit by verbally supplementing the associated coordination message(s) with a description of the cause of the contingency.

Where applicable, notification that the aircraft identification transmitted by an ADS-B equipped aircraft has been verified, when compatible ADS-B coverage is available.

In case of LoAs between units providing area control service and units providing approach control service, "Other information" should also address additional elements pertaining to exchange of information at such interfaces:

- expected approach time issued
- requested type of IFR approach procedure if different to that specified by the approach control unit

The content of the verbal estimate should be adapted accordingly for exchange of flight data between a unit providing aerodrome control service and a unit providing approach control service.

Normally, verbal estimates will not be passed in parallel with ACT messages.

In all cases, verbally passed data shall take precedence over data exchanged automatically.

Procedures for verbal coordination of flight data are to be developed in all cases; as a means of co-ordinating conditions not supported by automatic data exchange (e.g. "off-route") and as a means of back-up coordination (e.g. system failures).

### C.1.2.3 Failure of Automatic Data Exchange.

In the event of a failure which prevents the automatic transfer of data, the Supervisors shall immediately decide to revert to the verbal exchange of estimates.

After recovery from a system failure, the Supervisors shall agree as to when they will revert to automatic data exchange.

### C.1.3 **Non-availability of Basic Flight Plan Data.**

If the accepting ATS Unit does not have basic flight plan data available, additional information may be requested from the transferring ATS Unit to supplement the ACT message or a verbal estimate.

Within the context of RVSM, such additional information should include:

- a. the RVSM approval status of the aircraft; and
- b. whether or not a non-RVSM approved aircraft is a State aircraft.

#### C.1.4 Revisions.

Any significant revisions to the flight data are to be transmitted to the accepting ATS Unit.

Within the context of RVSM, the following should, where applicable, be considered as significant revisions:

- a. When an RVSM approved aircraft is unable to continue to meet the vertical navigation accuracy required to operate within EUR RVSM airspace, the transferring ATS Unit shall inform the accepting ATS Unit by verbally supplementing the associated coordination message(s), using the phrase "UNABLE RVSM DUE EQUIPMENT" or "UNABLE RVSM DUE TURBULENCE", as applicable).
- b. When an aircraft is experiencing an in-flight contingency which impacts on RVSM operations, the transferring Unit shall inform the accepting ATS Unit by verbally supplementing the associated coordination message(s) with a description of the cause of the contingency.

Time differences of [*value to be decided*] minutes or more are to be exchanged.

Changes to the co-ordinated levels within [*value to be decided*] minutes of the ETO for the transfer of control point are subject to an Approval Request.

#### C.1.5 Expedite Clearance and Approval Requests.

Whenever the minimum time of [*value to be decided*] minutes for a verbal estimate, or those prescribed in Appendix 1 to Annex C<sup>1</sup> for ACT messages, cannot be met, either an expedite clearance request, an approval request (*or a PAC*), as appropriate, shall be initiated.

The "value" is that which has been stipulated in paragraph C.1.2.2 of the LoA.

### C.2 Means of Communications and their Use.

#### C.2.1 Equipment.

The following lines are available between [ATS Unit 1] and [ATS Unit 2]:

| Line Type       | Amount | Additional Information |
|-----------------|--------|------------------------|
| Data Line       | [X]    | not applicable         |
| Telephone Lines | [X]    |                        |

"Additional Information" column should indicate if telephone lines meet the requirements for DCCVC or ICCVC.

Direct Controller-Controller Voice Communication (DCCVC) is defined as a two-way direct ground/ground voice communication system which allows for a communication to be established between radar controllers within 2 seconds in 99% of the time, supplemented by the ability to interrupt, if necessary, calls of a less urgent priority using the same channel.

*Note : The expression "a communication to be established" should be understood as the setting up of a connection, the activation of a technical circuit, between the calling and the receiving controller. It does not include the content of a message, nor does it require any action by the receiving controller.*

Instantaneous Direct Controller-Controller Voice Communication (ICCVC) is defined as a two-way direct ground/ground voice communication system for non physically adjacent controllers, which allows for a communication to be established between them within 1 second or less in 99% of the time.

#### C.2.2 Verbal Coordination.

All verbal communications between non-physically adjacent controllers should be terminated with the initials of both parties concerned.

Exchange of flight plan data, estimates and control messages by voice shall be carried out in accordance with the following tables:

**C.2.2.1 Messages from [ATS Unit 1] to [ATS Unit 2].**

This table must contain the required information for all sectors of ATS Unit2 within the ACI.

| Receiving Sector/COPs | Message  | Position | Extension |
|-----------------------|--|----------|-----------|
| [name of sector]      | Flight Plan Data and Estimates   |          |           |
| [COPs]                | Control Messages, Expedite Clearances, Approval Requests and Revisions |          |           |
|                       | Surveillance Coordination  |          |           |
|                       |  |          |           |
|                       |  |          |           |
| FIC                   | Flight Plan Data and other Coordination                                |          |           |

Supervisor:  
Switchboard:  
Telefax:

FMP:  
AMC:

***Degraded mode operations:***

In this section “*Degraded mode operations*”, ATS Unit 2 may specify how incoming calls will be treated in the event that its communications system has the ability to operate in a degraded mode.

**C.2.2.2 Messages from [ATS Unit 2] to [ATS Unit 1].**

This table must contain the required information for all sectors of ATS Unit 1 within the ACI.

| Receiving Sector/COPs | Message  | Position | Extension |
|-----------------------|--|----------|-----------|
| [name of sector]      | Flight Plan Data and Estimates   |          |           |
| [COPs]                | Control Messages, Expedite Clearances, Approval Requests and Revisions |          |           |
|                       | Surveillance Coordination  |          |           |
|                       |  |          |           |
|                       |  |          |           |
| FIC                   | Flight Plan Data and other Coordination                                |          |           |

Supervisor:  
Switchboard:  
Telefax:

FMP:  
AMC:

***Degraded mode operations:***

In this section “*Degraded mode operations*”, ATS Unit 1 may specify how incoming calls will be treated in the event that its communications system has the ability to operate in a degraded mode.

---

## **C.3 Failure of Ground/Ground Voice Communications.**

### **C.3.1 Fall-Back Procedures for Coordination.**

In the event of failure of the direct lines between the co-ordinating partners, coordination may be effected via:

- a) switchboard, or
- b) [other common coordination partner], or
- c) public telephone:

[ATS Unit1]: [additional listing of available public telephone numbers to the operations room and the relevant working positions, if available]

[ATS Unit 2]: [additional listing of available public telephone numbers to the operations room and the relevant working positions, if available]

### **C.3.2 Alternate Fall-Back Procedures for Coordination.**

In case of communications failure where the alternatives described in paragraph C.3.1 above are not available or practicable, pilots shall be instructed, at least 5 minutes prior to the transfer of control point, to pass flight data on the appropriate channel of the accepting ATS Unit for the purpose of obtaining an ATC entry clearance from the accepting ATS Unit .

If the accepting ATS Unit cannot issue an entry clearance to the pilot upon his initial contact, the pilot shall be instructed to inform the transferring ATS Unit accordingly via RTF.

The transferring ATS Unit shall hold the aircraft within its AoR and after a minimum of 10 minutes instruct the pilot to re-establish RTF contact with the accepting ATS Unit.

This procedure shall be repeated until an onward clearance has been obtained from the accepting ATS Unit.



**Appendix 1 to Annex C<sup>1</sup>****Automatic Data Exchange.**

ABI/ACT/LAM/REV/PAC/MAC messages are exchanged between the two ATS Units in accordance with the table below:

| Messages | COPs | Time and/or Distance Parameters                    |   |
|----------|------|--|---|
|          |      | Messages from<br>[ ATS Unit 1] to [ ATS Unit<br>2] | Messages from<br>[ ATS Unit 2] to [ ATS Unit 1] |
| ABI      |      |  |   |
| ACT      |      |  |   |
| LAM      |      |  |   |
| REV      |      |  |   |
| PAC      |      |  |   |
| MAC      |      |  |   |
| LOF      |      |  |   |
| NAN      |      |  |   |

Any RVSM-related changes to time and/or distance parameters for the exchange of automated messages should be recorded in this table.

[ATS Unit 1]

[ATS Unit 2]

## Annex C<sup>2</sup>.

### Exchange of Flight Data. (without automatic data exchange)

Effective: [date]

Revised: [date]

#### C.1 General.

##### C.1.1 Basic Flight Plans.

Basic flight plan data should normally be available at both ATS Units

##### C.1.2 Current Flight Plan Data.

Messages, including current flight plan data, shall be forwarded by the transferring ATS Unit to the accepting ATS Unit by telephone to the appropriate sector/position.

##### C.1.2.1 Verbal Estimates.

A verbal estimate shall be passed to the appropriate sector at the accepting ATS Unit at least [value to be decided] minutes prior, but not earlier than 30 minutes before the aircraft is estimated to pass the transfer of control point.

Within the context of RVSM, the following should, where applicable, be considered for inclusion in this paragraph:

For a non-RVSM approved State aircraft which will enter or is operating within EUR RVSM airspace, a verbal estimate shall be passed to the appropriate sector/position at the accepting ATS Unit at least [value to be decided] minutes before the aircraft is estimated to pass the transfer of control point.

A verbal estimate shall contain:

a) Call sign.

Note: To indicate that the flight plan is available, the accepting ATS Unit should state the aircraft type and the destination after having received its call sign.

c) SSR code;

Note: Normally, the notification of a SSR code indicates that the selection of that code by the aircraft was verified.

c) ETO for the appropriate COP as laid down in Annex D to this LoA.

d) Cleared level, specifying climb or descent conditions if applicable, at the transfer of control point.

Requested level if different from cleared level.

e) Other information, if applicable.

Within the context of RVSM, the following should, where applicable, be included:

1. For a non-RVSM approved aircraft, the transferring ATS Unit shall supplement the verbal estimate to the accepting ATS Unit, using the phrase "NEGATIVE RVSM" or "NEGATIVE RVSM STATE AIRCRAFT", as applicable.

2. When an RVSM approved aircraft is unable to continue to meet the vertical navigation accuracy required to operate within EUR RVSM airspace, the transferring ATS Unit shall inform the accepting ATS Unit by verbally supplementing the associated coordination message(s), using the phrase "UNABLE RVSM DUE EQUIPMENT" or "UNABLE RVSM DUE TURBULENCE", as applicable.

3. When an aircraft is experiencing an in-flight contingency which impacts on RVSM operations, the transferring ATS Unit shall inform the accepting ATS Unit by verbally supplementing the associated coordination message(s) with a description of the cause of the contingency.

Where applicable, notification that the aircraft identification transmitted by an ADS-B equipped aircraft has been verified, when compatible ADS-B coverage is available.

In case of LoAs between units providing area control service and units providing approach control service, "Other information" should also address additional elements pertaining to exchange of information at such interfaces:

- expected approach time issued
- requested type of IFR approach procedure if different to that specified by the approach control unit

The content of the verbal estimate should be adapted accordingly for exchange of flight data between a unit providing aerodrome control service and a unit providing approach control service.

### C.1.3 Non-availability of Basic Flight Plan Data.

If the accepting ATS Unit does not have basic flight plan data available, additional information may be requested from the transferring ATS Unit to supplement verbal estimates.

Within the context of RVSM, such additional information should include:

- a. the RVSM approval status of the aircraft; and
- b. whether or not a non-RVSM approved aircraft is a State aircraft.

### C.1.4 Revisions.

Any significant revisions to the flight data are to be transmitted to the accepting ATS Unit.

Within the context of RVSM, the following should, where applicable, be considered as significant revisions:

- a. When an RVSM approved aircraft is unable to continue to meet the vertical navigation accuracy required to operate within EUR RVSM airspace, the transferring ATS Unit shall inform the accepting ATS Unit by verbally supplementing the associated coordination message(s), using the phrase "UNABLE RVSM DUE EQUIPMENT" or "UNABLE RVSM DUE TURBULENCE", as applicable).
- b. When an aircraft is experiencing an in-flight contingency which impacts on RVSM operations, the transferring Unit shall inform the accepting ATS Unit by verbally supplementing the associated coordination message(s) with a description of the cause of the contingency.

Time differences of [*value to be decided*] minutes or more are to be exchanged.

Changes of co-ordinated levels within [*value to be decided*] minutes of the ETO for the transfer of control point are subject to an Approval Request.

### C.1.5 Expedite Clearance and Approval Requests.

Whenever the minimum time for verbal estimate of [*value to be decided*] minutes cannot be met, an Expedite Clearance Request or an Approval Request, as appropriate, shall be initiated.

The "value" is that which has been stipulated in paragraph C.1.2.1 of the LoA.

## C.2 Means of Communications and their Use.

### C.2.1 Equipment.

The following lines are available between [ATS Unit 1] and [ATS Unit 2]:

| Line Type       | Amount | Additional Information |
|-----------------|--------|------------------------|
| Telephone Lines | [X]    |                        |

"Additional Information" column should indicate if telephone lines meet the requirements for DCCVC or ICCVC.

Direct Controller-Controller Voice Communication (DCCVC) is defined as a two-way direct ground/ground voice communication system which allows for a communication to be established between radar controllers within 2 seconds in 99% of the time, supplemented by the ability to interrupt, if necessary, calls of a less urgent priority using the same channel.

*Note : The expression "a communication to be established" should be understood as the setting up of a connection, the activation of a technical circuit, between the calling and the receiving controller. It does not include the content of a message, nor does it require any action by the receiving controller.*

Instantaneous Direct Controller-Controller Voice Communication (ICCV) is defined as a two-way direct ground/ground voice communication system for non physically adjacent controllers, which allows for a communication to be established between them within 1 second or less in 99% of the time.

## C.2.2 Verbal Coordination.

All verbal communications between non-physically adjacent controllers should be terminated with the initials of both parties concerned.

Exchange of flight plan data, estimates and control messages by voice shall be carried out in accordance with the following tables:

### C.2.2.1 From [ATS Unit 1] to [ATS Unit 2].

This table must contain the required information for all sectors of ATS Unit 2 within the ACI.

| Receiving Sector/COPs | Message  | Position | Extension |
|-----------------------|--|----------|-----------|
| [name of sector]      | Flight Plan Data and Estimates   |          |           |
| [COPs]                | Control Messages, Expedite Clearances, Approval Requests and Revisions |          |           |
|                       | Surveillance Coordination  |          |           |
|                       |  |          |           |
|                       |  |          |           |
| FIC                   | Flight Plan Data and other Coordination                                |          |           |

Supervisor:  
Switchboard:  
Telefax:

FMP:  
AMC:

*Degraded mode operations:*

In this section "*Degraded mode operations*", ATS Unit 2 may specify how incoming calls will be treated in the event that its communications system has the ability to operate in a degraded mode.

### C.2.2.2 From [ATS Unit 2] to [ATS Unit 1].

This table must contain the required information for all sectors of ATS Unit 1 within the ACI.

| Receiving Sector/COPs | Message  | Position | Extension |
|-----------------------|--|----------|-----------|
| [name of sector]      | Flight Plan Data and Estimates   |          |           |
| [COPs]                | Control Messages, Expedite Clearances, Approval Requests and Revisions |          |           |
|                       | Surveillance Coordination  |          |           |
|                       |  |          |           |
|                       |  |          |           |

|     |  |  |  |
|-----|--|--|--|
| FIC | Flight Plan Data and other<br>Coordination |  |  |
|-----|--|--|--|

Supervisor:  
Switchboard:  
Telefax:

FMP:  
AMC:

*Degraded mode operations:*

In this section "*Degraded mode operations*", ATS Unit 1 may specify how incoming calls will be treated in the event that its communications system has the ability to operate in a degraded mode.

### C.3 Failure of Ground/Ground Voice Communications.

#### C.3.1 Fall-Back Procedures for Coordination.

In case of failure of the direct lines between the co-ordinating partners, coordination may be effected via:

- a) switchboard, or
- b) [other common coordination partner], or
- c) public telephone:

[ATS Unit 1]: [additional listing of available public telephone numbers to the operations room and the relevant working positions, if available]

[ATS Unit 2]: [additional listing of available public telephone numbers to the operations room and the relevant working positions, if available]

#### C.3.2 Alternate Fall-Back Procedures for Coordination.

In case of communications failure where the alternatives described in paragraph C.3.1 above are not available or practicable, pilots shall be instructed, at least 5 minutes prior to the transfer of control point, to pass flight data on the appropriate channel of the accepting ATS Unit for the purpose of obtaining an ATC entry clearance from the accepting ATS Unit .

If the accepting ATS Unit cannot issue an entry clearance to the pilot upon his initial contact, the pilot shall be instructed to inform the transferring ATS Unit accordingly via RTF.

The transferring ATS Unit shall hold the aircraft within its AoR and after a minimum of 10 minutes instruct the pilot to re-establish RTF contact with the accepting ATS Unit.

This procedure shall be repeated until an onward clearance has been obtained from the accepting ATS Unit.

[ATS Unit 1]

[ATS Unit2]

## Annex D.

### Procedures for Coordination.

Effective: [date]

Revised: [date]

#### D.1 General Conditions for Acceptance of Flights.

- D.1.1 Coordination of flights shall normally take place by reference to the coordination point (COP) and in accordance with the appropriate levels specified for the relevant route (see paragraphs D.2 and D.3).

When operations within the area of common interest are conducted in the absence of a published ATS route network, the level(s) and other specific conditions should be specified for the COP.

In situations where the coordination does not take place by reference to the COP, specific provisions should be described *in lieu* of D1.1 describing the conditions and common geographical references for the coordination of flights.

- D.1.2 Flights shall be considered to be maintaining the co-ordinated level at the transfer of control point unless climb or descent conditions have been clearly stated by use of crossing conditions in the PAC/ACT or by verbal coordination, except if otherwise described in paragraphs D.2 or D.3.
- D.1.3 If the accepting ATS Unit cannot accept a flight offered in accordance with the conditions specified above, it shall clearly indicate its inability and specify the conditions under which the flight will be accepted.
- D.1.4 For any proposed deviation from the conditions specified in this Annex (e.g. COP, route or level) the transferring unit shall initiate an Approval Request.
- D.1.5 The accepting ATS Unit shall not notify the transferring ATS Unit that it has established ground-air communications with the transferred aircraft unless specifically requested to do so. The Accepting Unit shall notify the transferring Unit in the event that communication with the aircraft is not established as expected.

Reference: ICAO Doc 4444, Chapter 10, Paragraph 10.1.2.4.3:

#### D.2 ATS Routes, Coordination Points and Level Allocation.

Available ATS routes, COPs to be used and flight allocation to be applied, unless otherwise described in paragraph D.3, are described in the tables below.

All of the cross-border ATS Routes shall be listed in the appropriate table of this section.

In the absence of a published ATS route network, the same tables can be defined without specifying details for the column "ATS Route".

In the column "COP", the COP associated with each ATS Route will be stipulated. The same COP should be used to the extent possible for both automatic and verbal exchange of traffic information. Should separate COPs apply to verbal and automated exchange, both shall be stipulated by having the column split into two.

Special conditions shall be stipulated in the column provided, unless they are of such detail or complexity that they could better be referred to in paragraph D.3, in which case the reference "see paragraph D.3..." shall be made.

In case of non-fixed, non-published COPs, the tables below should describe the conditions applicable for coordination of flights per flows (most expected stream of flights).

**D.2.1 Flights from [ATS Unit 1] to [ATS Unit 2].**

| ATS Route | COP | Flight Allocation | Special Conditions  |
|-----------|-----|-------------------|---------------------|
|           |     |                   | [see para D.3.....] |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |

**D.2.2 Flights from [ATS Unit 2] to [ATS Unit 1].**

| ATS Route | COP | Flight Allocation | Special Conditions  |
|-----------|-----|-------------------|---------------------|
|           |     |                   | [see para D.3.....] |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |
|           |     |                   |                     |

Any RVSM-related changes to ATS routes, COPs, and Flight Level Allocation pertaining to inter- ATS Unit coordination should be added to the tables in D.2.1 and D.2.2 above. RVSM Entry and RVSM Exit points should be added to the "Special Conditions" column in D.2.1 and D.2.2, as appropriate.

**D.3 Special Procedures.**

All special procedures which cannot be accommodated in the "Special Conditions" column of paragraph D.2 shall be outlined in this section.

**D.3.1 Flights from [ATS Unit 1] to [ATS Unit 2].****D.3.2 Flights from [ATS Unit 2] to [ATS Unit 1].**

In cases where RVSM will be suspended and a contingency Flight Level Allocation Scheme does not exist, the ATS Unit suspending RVSM shall co-ordinate with adjacent ATS Units with regards to the flight levels appropriate for the transfer of traffic. The ATS Unit suspending RVSM shall also co-ordinate applicable sector capacities with adjacent ATS Units, as appropriate.

Where a contingency Flight Level Allocation Scheme has been agreed to, it should be included in this section.

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#### **D.4 Coordination of Status of Special Areas in the Area of Common Interest.**

Both ATS Units shall keep each other advised on any changes of the activation times of CDRs and of activation times for the following CBAs, TSAs and AMC-manageable restricted or danger areas:

D.4.1 [ATS Unit 1] shall inform [ATS Unit 2] about changes for the following areas:

D.4.2 [ATS Unit 2] shall inform [ATS Unit 1] about changes for the following areas:

#### **D.5 VFR flights.**

D.5.1 *Flights from [ATS Unit 1] to [ATS Unit 2].*

D.5.2 *Flights from [ ATS Unit 2] to [ ATS Unit 1].*



[ ATS Unit 1]

[ ATS Unit 2]

## Annex E.

### Transfer of Control and Transfer of Communications.

In order to optimize the provision of ATS, it is recommended that the Transfer of Communication takes place before the Transfer of Control, at a point/time/distance as agreed upon between the transferring and accepting ATS Units.

When the LoA addresses the coordination of flights between a unit providing approach control service and a unit providing aerodrome control service, this annex should, taking into account the airspace structure, terrain, meteorological conditions and ATS facilities available, describe the rules for the transfer of arriving aircraft.

Effective: [date]

Revised: [date]

#### E.1 Transfer of Control.

The transfer of control takes place at the AoR-boundary, unless otherwise specified in paragraph E.3.

When considered appropriate, this annex should provide details with regards responsibilities in of case transfer of aircraft with release conditions while the aircraft is within the AoR of the transferring unit.

Normally, an aircraft can be transferred with a release for a manoeuvre that should be accommodated within the AoR of the transferring controller. In cases the effect of the request for release will affect other units/sectors in addition to the accepting and transferring units/sectors concerned, a prior approval should be obtained from the units/sectors affected.

#### E.2 Transfer of Communications.

The transfer of communications shall take place not later than [time, distance or level parameter], and not sooner than [time, distance or level parameter] before the transfer of control and as specified in paragraph E.3, unless otherwise co-ordinated.

When Controller-Pilot Data Link Communications (CPDLC) is used in both ATS units, the transfer of CPDLC shall commence concurrently with the transfer of voice communications.

A parameter (time, distance or level) should be specified for the transfer of communications, whenever it is operationally significant. (e.g. for protection of a communication channel).

NOTE:

Frequencies:

[ ATS Unit1]: (Sector and FIC frequencies)

[ATS Unit 2]: (Sector and FIC frequencies)

#### E.3 Specific Points for Transfer of Control and Transfer of Communications.

| ATS Route | Transfer of Control Point | Transfer of Communications     |                                |
|-----------|---------------------------|--------------------------------|--------------------------------|
|           |                           | [ ATS Unit 1] to [ ATS Unit 2] | [ ATS Unit 2] to [ ATS Unit 1] |
|           |                           |                                |                                |
|           |                           |                                |                                |
|           |                           |                                |                                |
|           |                           |                                |                                |
|           |                           |                                |                                |
|           |                           |                                |                                |

This paragraph is not applicable in the event all transfer of control points correspond with the AoR boundary and no specific transfer of communication point is established. However, all ATS Routes mentioned in paragraph D.2. for which the transfer of control point is not the AoR boundary and/or for which a specific transfer of communication point has been established, shall be listed in paragraph E.3.

In case of operations in the absence of a published ATS route network or of fixed transfer of control points, the table will contain the nominal provisions for the transfer of control and transfer of communications either with reference to the point where the flight path crosses the AoR boundary or with reference to the coordination point specified in the coordination messages.

Any RVSM-related changes to specific points for transfer of control and transfer of communications pertaining to inter- ATS Unit coordination should be added to paragraph E.3.

[ATS Unit 1]

[ATS Unit 2]

## Annex F.

### ATS Surveillance Based Coordination Procedures.

Effective: [date]

Revised: [date]

#### F.1 General.

F.1.1 Transfer of identification and transfer of control between [ATS Unit 1] and [ATS Unit 2] will be subject to the serviceability of the respective surveillance systems and two-way direct speech facilities between the controller working positions.

F.1.2 In case of any doubt about the identity of an aircraft, nothing in the provisions of this Annex, prevents the use of others methods for the identification of an aircraft.

#### F.2 Transfer of Aircraft Identification.

Subject to the surveillance technology available to both units concerned, the transfer of identification should be effected preferably by one of the methods described below:

- Designation of the position indication by automated means, provided that only one position indication is thereby indicated and there is no possible doubt of correct identification;
- Notification of the aircraft discrete SSR code;
- Notification that the aircraft identification transmitted by a Mode S equipped aircraft has been verified;
- Notification that the aircraft identification transmitted by an ADS B equipped aircraft has been verified.

F.2.1 Transfer of aircraft identification between [ATS Unit 1] and [ATS Unit 2] is normally performed by *[one or more methods for the transfer of identification]*.

It is recommended that in cases when multiple surveillance technologies are available to both ATS units concerned, paragraph F.2.1 should illustrate one or more preferred methods for the transfer of aircraft identification, the conditions in which those apply and the alternatives to be used when the conditions are not met.

For example, at an interface between two ATS units using radar Mode S and MSSR the transfer of identification should normally be performed:

- by notification of A1000 indicating that the Mode S aircraft identification feature transmitted by the transponder has been verified;
- or, in case that the aircraft identification is not correct or has not been verified or the aircraft is not Mode S equipped:
- by notification of the aircraft discrete SSR code.

F.2.2 When discrete SSR codes are used for transfer of identification, they shall be assigned in accordance with ORCAM.

F.2.3 Any change of SSR code by the accepting ATS Unit may only take place after the transfer of control point.

F.2.4 The accepting ATS Unit shall be notified of any observed irregularity in the operation of SSR transponders or ADS-B transmitters.

Such irregularities should cover at least the following cases:

- transponders transmitting erroneous aircraft identification;

- transponders transmitting SSR codes different then the selection of which have been confirmed by the pilots;
- transponders transmitting erroneous Mode C information.

### F.3 Transfer of Control.

- F.3.1 If it becomes necessary to reduce or suspend transfers of control, a [*value to be decided*] minutes prior notification shall be observed, except in emergency situations.

The ATS Units will determine the value required for the time parameter.

Reference: ICAO Doc 4444, Chapter 8. , Paragraph 8.7.4.2.e):

*"the instructions or letter of agreement specify explicitly that the application of this type of transfer of control may be terminated at any time by the accepting controller, normally with an agreed advance notice;"*

- F.3.2 [Description of vectoring procedures along common AoR-boundary.]

The ATS Units shall describe in this section the procedures for vectoring along the AoR boundary which deviate from the ICAO provisions outlined below:

Reference: ICAO Doc 4444, Chapter 8. , Paragraph 8.6.5.1 c):

*"except when transfer of control is to be effected, aircraft shall not be vectored closer than 4.6 km (2.5 NM), or, where the minimum permissible separation is greater than 9.3 km (5 NM), a distance equivalent to one half of the prescribed separation minimum, from the limit of the airspace for which the controller is responsible, unless local arrangements have been made to ensure that separation will exist with aircraft operating in adjoining areas;...."*

- F.3.3 **Transfer of Control without systematic use of the bi-directional speech facilities (*Silent Transfer of Control*)**

Transfer of control may be effected without systematic use of bi-directional speech facilities provided the minimum distance between successive aircraft about to be transferred is [*value to be specified*] NM and constant or increasing.

Applicability of the silent transfer of control depends on a set of elements being agreed between the ATS units concerned and properly specified in the Annexes of the LoA, as follows:

- Annex C addresses the requirement of providing updated flight plan information, including the discrete assigned SSR Code or with respect to SSR Mode S and ADS-B the aircraft identification, to the accepting controller prior to transfer;
- Appendix 1 to Annex F illustrates the surveillance coverage provided to the accepting controller. The regional agreement of 30 NM surveillance coverage overlapping should be demonstrated;
- Annex C illustrates that the two-way direct speech facilities which permit communications to be established within 2 seconds in 99% of the time, are available between the transferring and accepting controller;
- Annex D describes specific conditions for the application of the silent transfer of control.

Reference: ICAO Doc 4444, Chapter 8. , Paragraph 8.7.4.2

The minimum distance between successive aircraft during the silent transfer of control are described in ICAO Doc 7030/5 (EUR-SUPPs)

- F.3.3.1 The transferring controller shall inform the accepting controller of any level, speed or vectoring instructions given to aircraft prior to its transfer and which modify its anticipated flight progress at the point of transfer.

Note: When using Mach-number speed control, pilots concerned shall be instructed to report their assigned mach-number to the accepting ATS Unit upon initial contact.

- F.3.3.2 The accepting controller may terminate the silent transfer of control at any time, normally with an advance notice of [*value to be defined*] minutes.

The advance notice shall be determined taking into account all relevant technical, operational and other circumstances. If circumstances arise in which these agreed conditions can no longer be satisfied, controllers shall revert to transfer of control with use of bidirectional speech facilities until the situation is resolved.

Reference: ICAO Doc 4444, Chapter 8. , Paragraph 8.7.4.2:

#### F.3.4 Transfer of Control with use of the bi-directional speech facilities.

Transfer of control may be effected with the use of bi-directional speech facilities, provided the minimum distance between the aircraft does not reduce to less than [*value to be specified*] NM, and:

- identification has been transferred to or has been established directly by the accepting controller;
- the accepting controller is informed of any level, speed or vectoring instructions applicable to the aircraft at the point of transfer;
- communication with the aircraft is retained by the transferring controller until the accepting controller has agreed to assume responsibility for providing ATS surveillance service to the aircraft. Thereafter, the aircraft should be instructed to change over to the appropriate frequency and from that point is the responsibility of the accepting controller.

The ATS Units will determine their requirements in terms of the minimum separation required, at the minimum the greater of the two separation minima in use by the ATS units concerned.

Reference: ICAO Doc 4444, Chapter 8. , Paragraph 8.7.4.4

Annex C should provide evidence that the two-way direct speech facilities which permit communications to be established within 2 seconds in 99% of the time are available between the transferring and accepting controller.

The expression “a communication to be established” should be understood as the setting of a connection, the activation of a technical circuit, between the calling and the receiving controller.

### F.4 Reduced Longitudinal Separation.

- F.4.1 Transfer of control of the aircraft on the same track or crossing tracks, whether at the same level, climbing or descending, may be effected provided that a minimum longitudinal separation of 3 minutes exists between aircraft, the relevant aircraft are continuously flight path monitored and the transferring ATS Unit has ensured that the actual distance between the aircraft does not reduce to less than 20 NM.

The provisions above should be considered by the parties involved as alternative conditions for the transfer of control when the standardized conditions for the application of transfer of control in accordance with F3.3 or F3.4 are not met.

In particular, these can be considered for situations when either the operational conditions (e.g. the distance between successive aircraft is not constant or increasing) or some technical conditions cannot be met (temporary failure or degradation of the bi-directional speech facilities).

Reference: ICAO EUR Regional Supplementary Procedures, Doc 7030/5 – EUR par 6.2.2.1

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## **Appendix 1 to Annex F.**

### **ATS Surveillance Coverage in the Area of Common Interest.**

[ATS Unit 1]

[ATS Unit 2]

## ***Annex G.***

### ***Supplementary Procedures.***

Those particular procedures, which, owing to their specific nature, could not be listed in any of the preceding Annexes, shall be listed here.

Such supplementary procedures may cover any of the following, non exhaustive list:

- G.[x] Runway Configurations and type of Instrument Approach Procedures
- G.[x] Take-off and Clearance Expiry Times, and Delay to Departing Traffic due to Congestion
- G.[x] Coordination of Missed Approaches
- G.[x] Low Visibility Procedures
- G.[x] Special VFR operations
- G.[x] Planning and coordination of special events
- G.[x] Contingency plans

Effective: [date]

Revised: [date]

[ATS Unit 1]

[ATS Unit 2]

**Annex H.**  
**Checklist of Pages.**

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| 1    |      | A3   |      | C5   |      | F3   |      |
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| 3    |      | B2   |      | D1   |      | G1   |      |
| 4    |      | B3   |      | D2   |      |      |      |
| 5    |      | B4   |      | D3   |      |      |      |
| 6    |      | C1   |      | E1   |      |      |      |
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| A1   |      | C3   |      | F1   |      |      |      |
| A2   |      | C4   |      | F2   |      |      |      |

Effective: [date]  
Revised: [date]



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## CHAPTER 4.

### GUIDELINES ON THE BASIC PRINCIPLES AND OPERATIONAL ASPECTS REGARDING CROSS-BORDER SERVICE PROVISION

#### 1 INTRODUCTION.

- 1.1 The Guidance Material in this Chapter is recommended to be used in conjunction with the Common Format, Letter of Agreement between Air Traffic Services Units (ATSU) (hereinafter referred to as the **Common Format LoA**) for the purpose of describing the basic principles and operational aspects regarding the situation where:
- one State delegates to another State the responsibility for the provision of ATS in a portion of the airspace above the territory of the former State; or
  - a State designate an air traffic service provider holding a valid certificate in the Community to provide ATS in a portion of the airspace above the territory of the State;
  - an air traffic service provider avails itself of the services of another air traffic service provider in a portion of the airspace above the territory of a State which designated the latter air traffic service provider to provide ATS.
- 1.2 The Guidance Material takes into consideration the provisions of the Model Agreement on the Delegation of Air Traffic Services adopted by ICAO, as well as additional elements stemming out of EU SPR Articles 8 and 10. This type of Agreement between States, the designation act of State for a foreign air traffic service provider or the agreements between two air traffic service providers supervised by the State over which territory an air traffic service provider avail itself the provision of ATS, once implemented, takes precedence over any other lower level agreement, such as the operational, tactical coordination agreements established by using the Common Format LoA.
- 1.3 In this Chapter the expression “Delegating State” denotes the State which delegates to another State the responsibility for the provision of ATS in a portion of the airspace above its territory. The expression “Providing State” denotes the State which is providing such service.
- 1.4 All quotations from ICAO regulations have been italicised in this Chapter. The shaded boxes represent the operational aspects which should be considered by the ECAC Member States when concluding agreements regarding delegation of the responsibility for the provision of ATS from one State to another State.
- 1.5 The reasons for the delegation of the responsibility for the provision of ATS are often based on operational requirements of safety and efficiency, including the straightening of Area of Responsibility (AoR) boundaries.
- 1.5.1 They also include technically required adjustment of AoR boundaries caused by the inability of video displays to depict the exact FIR boundaries. Such adjustments are generally of a minor nature.
- 1.5.2 In all cases, it is imperative that all ATS units concerned use a common and identical depiction of the AoR boundaries on their video displays.

- 1.6 A list of main operational criteria to be used for the identification of areas where delegation of the responsibility for the provision of ATS would be beneficial is described under item 9.

## 2 SOVEREIGNTY.

- 2.1 According to the Convention on International Civil Aviation (Chicago Convention) *“the contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory. For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State”*.
- 2.2 Based on the principle of the territorial sovereignty, it will fall under the jurisdiction of a State to prescribe the rules and regulations for the airspace above its territory. However, through signing the Chicago Convention, the States have undertaken to maintain, to the extent possible, their national rules and regulations in conformity with ICAO international standards and procedures.
- 2.3 In the Chicago Convention it is further prescribed that *“any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard”*.
- 2.4 Regulatory and Supervisory Issues. The complete and exclusive competence of a State over the airspace above its territory includes its unalterable right to regulate in a constraining manner the use of the airspace above its territory and to have such regulation enforced, as well as the right for the supervision of ATS activities.
- 2.5 As a principle of sovereignty, the rules and procedures of the Delegating State apply in its territory. It is, however, actual practice to apply the rules and procedures pertaining to the provision of ATS of the Providing State. In the interest of safety and for the sake of efficiency, it is necessary that the air traffic controller is able to apply only one set of rules and procedures – those of the Providing State.
- 2.6 The ATS Unit/Authority of the Contracting States may agree, however, that certain rules and procedures of the Delegating State pertaining to the provision of ATS will remain applicable in the airspace concerned.
- 2.7 In case of designation by a State of a foreign air traffic service provider to provide ATS in a volume of airspace over the territory of that State, the rules and procedures to be applied in such airspace have to be specified in the designation act. The designated foreign air traffic service provider executes a sovereign function, but one of the designating State and not one of the State where the air traffic service provider is established.
- 2.8 In case an air traffic service provider avails itself the provision of ATS from another air traffic service provider, the rules and procedures to be applied by the availing air traffic service provider are those in the designation act issued by the State above which territory the airspace concerned is located. The designated air traffic service provider

retains the full responsibility towards the designating State in respect of the airspace for which it has been designated. Consequently, the Agreement established by virtue of Article 10 of EU SPR must precisely define the rule, regulations and procedures applicable in the volume of airspace concerned. Moreover, for such agreements between air traffic service providers, when the provision of ATS is involved, the approval of the designating State is required.

- 2.9 Exercising supervisory authority might be difficult and consequently the designating State is to conclude an agreement with the State of location from where the designated air traffic service provider is operating to define appropriate supervisory requirements. Similar arrangements may be contemplated in situations where “Article 10 Agreements” have been concluded.

### **3 DESIGNATION ACT and “ARTICLE 10 AGREEMENT”.**

- 3.1 A comprehensive designation instrument prescribes in full detail the relationship between the designating State and the designated air traffic service provider. It may replicate and detail general principles expressed in the national law of the designating State with the purpose of ensuring their binding effect upon the designated air traffic service provider, or lay down independent provisions applicable to the specific relationship. Such act will include, among others, the following:
- Identification of the designated air traffic service provider;
  - Definition of the duration of the period for which it is designated;
  - Precise outline of the limits of the airspace for which it is being designated;
  - List and definition of the services to be provided;
  - Rules and regulations to be applied for the purpose of service provision, including operational procedures;
  - Applicable supervisory, audits and inspection processes and mechanisms;
  - Requirement regarding the availability, integrity and continuity of the services;

*Note: The potential content of the designation act is limited to those elements relevant for the provision of ATS. Elements pertaining to financial provisions, performance and liability frameworks must also be covered by the designation act.*

- 3.2 Although the designation act will ultimately describe the rules, regulations and procedures to be applied in the volume of airspace above the State's territory, it may in the interest of safety and for the sake of efficiency, that the air traffic controller is able to apply only one set of rules and procedures within the Area of Responsibility. The designating State should consider within the list of independent provisions applicable to the specific relationship such rules and procedures that would increase safety and efficiency of operations.

- 3.3 An “Article 10 Agreement” must be formalized by means of written agreements or equivalent legal arrangements. The purpose of the formal agreement is to ensure that the contractor air traffic service provider will act in such a way that it will meet at least the requirements in terms of quality, integrity, availability and continuity of service, as those set for the designated air traffic service provider on behalf of which it will be operating. Such agreement should typically include the delineation of the airspace within which it applies, the operational arrangements to be deployed, liability clauses, binding performance requirements, measures to be implemented in respect of audits and quality assurance, as well as financial provisions.

*Note: The following paragraphs refer primarily to the elements that should be discussed and agreed in the context of delegating the responsibility for the provision of air traffic services between two States. It is desirable that some of these elements are also considered in the context of the designation act or of the "Article 10 Agreement".*

## **4 TERMINOLOGY.**

- 4.1 As regards the terminology describing the situation of one State delegating to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, two different expressions seem to be used.
- 4.2 In several bilateral agreements and corresponding documents the notion "delegation of airspace" is used. This notion would seem to imply that a State would transfer all responsibilities associated to the provision of ATS, including the regulatory competence, to another State.
- 4.3 In accordance with para. 2.1.1 of Annex 11 to the Chicago Convention the full term prescribed is delegation of *"the responsibility for establishing and providing air traffic services"*. As this term indicates, the objective of the delegation is purely functional and will not imply any derogation of national sovereignty.
- 4.4 Thus, in the event of a State delegating to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, the term delegation of the responsibility for the provision of ATS, as provided for in the Note under para. 2.1.1 of Annex 11 to the Chicago Convention, should be used by the States (instead of delegation of airspace) when drafting their delegation agreements.

## **5 AIR TRAFFIC SERVICES.**

### **5.1 General.**

- 5.1.1 In Annex 11 to the Chicago Convention it is expressed as a Recommendation that *"the delineation of airspace wherein air traffic services are to be provided, should be related to the nature of the route structure and the need for efficient service rather than to national boundaries"*.
- 5.1.2 According to Note 1. under the Recommendation above it is further expressed that, *"conclusions of agreements to permit the delineation of airspace lying across national boundaries is advisable when such action will facilitate the provision of air traffic services"*.

### **5.2 Delegation of the responsibility for the provision of ATS.**

- 5.2.1 Annex 11 to the Chicago Convention (para. 2.1.1) prescribes that *"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"*.

- 5.2.2 In the Note. Under para. 2.1.1 of Annex 11 to the Chicago Convention it is expressed that, *“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”*.
- 5.2.3 *“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 or services without prior consultation with the providing State. Both the delegating and providing States may terminate the agreement between them at any time”*.
- 5.2.4 The States shall describe the lateral and vertical limits of the portion of airspace within which the responsibility for the provision of ATS is delegated from one State to another State.
- 5.2.4.1 In the cases where a delegation of the responsibility for the provision of ATS is based on a technically required adjustment of the AoR boundaries caused by the inability of video displays to depict the exact FIR boundaries, it may be sufficient to identify the new AoR boundary (ies) through use of significant points and agree to a broad statement that the responsibility for the provision of ATS is delegated in all airspace north, east, south or west of the AoR boundary(ies).
- 5.2.5 Both the Delegating and Providing State shall keep each other advised of any changes in the operational status of their communication and/or navigation facilities which may have an influence on the provision of ATS in the portion of airspace within which the responsibility for the provision of ATS is delegated.
- 5.2.6 Moreover, the **Common Format LoA (para. 1.2)** provides that both ATS Units shall keep each other advised of any changes in the operational status of their facilities and navigation aids which may affect the procedures specified in the Letter of Agreement (LoA).
- 5.2.7 The States shall have established procedures pertaining to revisions and cancellation of the delegation agreement. With regards the cancellation of a LoA, the **Common Format LoA (para. 5.2)** requires that the cancelling party declares its intention to cancel the LoA with a minimum pre-notification time as agreed and prescribed in the LoA. Should the Agreement on the Delegation of Air Traffic Services between the Contracting States be terminated, the LoA under it will, as a consequence, be cancelled with effect from the same date as that Agreement.
- 5.3 Authority responsible for the provision of ATS.
- 5.3.1 In Annex 11 to the Chicago Convention (para. 2.1.3) it is prescribed that *“when it has been determined that air traffic services will be provided, the States concerned shall designate the authority responsible for providing such services”*.
- 5.3.2 According to Note 1. under the paragraph mentioned above, *“the authority for establishing and providing the services may be a State or a suitable Agency”*.
- 5.3.3 Furthermore, in the situation where a State delegates to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, *“the State which designates the authority responsible for establishing and providing the air traffic services*

*is: the State to whom responsibility for the establishment and provision of air traffic services has been delegated”.*

#### 5.4 Scope of the delegation of the responsibility for the provision of ATS.

5.4.1 The delegation of the responsibility for the provision of ATS should encompass air traffic control service, flight information service and alerting service.

5.4.2 Moreover, the delegation of the responsibility for the provision of ATS normally encompasses GAT traffic operating under IFR, unless otherwise specified.

5.4.3 Considering the fact that the **Common Format LoA** provides for, on an optional basis, the inclusion of coordination procedures for Operational Air Traffic and/or VFR traffic (**see the Common Format LoA para. 1.1**), the delegation may also include the responsibility for the provision of ATS to such Operational Air Traffic (OAT) and/or VFR traffic. Thus, in the event the Letter of Agreement encompasses coordination procedures for OAT and/or VFR traffic, and if the responsibility for the provision of ATS to OAT/VFR traffic is delegated, this shall be clearly specified also in the relevant paragraphs of the Letter of Agreement pertaining to delegation of the responsibility for the provision of ATS.

5.4.4 With respect to alerting service this is, according to ICAO definitions, *“a service provided to notify appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required”*. The responsibility for the provision of alerting service will normally fall on the ATS unit responsible for the provision of ATS in the airspace concerned.

5.4.5 In the event of a State delegating to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, the States should establish coordination procedures regarding the provision of search and rescue services for the territory connected with the airspace concerned.

5.4.6 According to the **Common Format LoA (para. 2.2.4)**, the ATS Unit responsible for the provision of ATS shall provide alerting service and shall co-ordinate with the appropriate Rescue Coordination Centre as required.

#### 5.5 Radar separation minima.

5.5.1 In Annex 11 to the Chicago Convention it is prescribed that *“the selection of separation minima for application within a given portion of airspace shall be as follows:*

*a) the separation minima shall be selected from those prescribed by the provisions of the PANS-ATM and the Regional Supplementary Procedures as applicable under the prevailing circumstances except that, where types of aids are used or circumstances prevail which are not covered by current ICAO provisions, other separation minima shall be established as necessary by:*

*1) the appropriate ATS authority, following consultation with operators, for routes and portions of routes contained within the sovereign airspace of a State”.*

5.5.2 As regards the radar separation minima it is prescribed in ICAO PANS-ATM (Doc 4444) Chapter 8 that *“the separation minimum or minima based on radar and/or ADS-B to be applied shall be prescribed by the appropriate ATS authority according to the capability of the particular ADS-B or radar system or sensor to accurately identify the aircraft position in relation to the centre of a position symbol, PSR blip, SSR response and taking*

*into account factors which may affect the accuracy of the ADS-B and/or radar-derived information, such as aircraft range from the radar site and the range scale of the situation display in use.”*

5.5.3 The appropriate ATS authority is, according to Annex 11 to the Chicago Convention, defined as *“the relevant authority designated by the State responsible for providing air traffic services in the airspace concerned”*.

5.5.4 As a consequence, in the situation where a State delegates to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, the appropriate ATS authority designated by the Providing State should be responsible for the selection of the separation minima to be applied in the portion of airspace concerned.

## 5.6 Special activities which will have an influence on the provision of ATS.

5.6.1 In the situation where a State delegates to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, the Providing State should be kept informed of all pertinent conditions regarding airspace restrictions (Prohibited, Restricted and Danger Areas) and airspace reservations located in the portion of airspace concerned.

5.6.2 Moreover, the Delegating State should keep the Providing State informed of all relevant aspects relating to the application of the Flexible Use of Airspace (FUA), which will have an impact on the portion of airspace within which the responsibility for the provision of ATS has been delegated (ref. EUROCONTROL Guidelines – The ASM Handbook, EUROCONTROL-GUID-136).

## 5.7 SSR code assignment.

5.7.1 In the event of a State delegating to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, the States should have established procedures for the allocation of SSR codes to the ATS units concerned.

## 5.8 Language.

5.8.1 Regarding the language to be used it is in Volume II of Annex 10 to the Chicago Convention (para. 5.2.1.2.1) expressed that *“the air-ground radiotelephony communications shall be conducted in the language normally used by the station on the ground or in the English language”*. Furthermore, in accordance with the Note 1 under the same paragraph *“the language normally used by the station on the ground may not necessarily be the language of the State in which it is located”*.

5.8.2 In Volume II of Annex 10 to the Chicago Convention (para. 5.2.1.2.2) it is further expressed that *“the English language shall be available , on request from any aircraft station at all stations on the ground serving designated airports and routes used by international air services”*.

5.8.3 The language(s) to be used in the portion of airspace within which the responsibility for the provision of ATS is delegated from one State to another State should be specified.

## 5.9 Promulgation.

5.9.1 In Annex 15 to the Chicago Convention it is prescribed that *“an aeronautical information service shall collect, collate, edit and publish aeronautical information concerning the entire territory of the State as well as areas in which the State is responsible for air traffic services outside its territory”*.

5.9.2 As a consequence, in the situation where a State delegates to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, both the Delegating and Providing State shall agree upon the content of, and publish all relevant information regarding the portion of airspace concerned, in their Aeronautical Information Package as defined in ICAO Annex 15.

## 5.10 Air Traffic Controller Licence

5.10.1 With regard to air traffic controller licence, Annex 1 to the Chicago Convention prescribes that *“before issuing an air traffic controller licence, a Contracting State shall require the applicant to meet the requirements of 4.4.1 (see ICAO Annex 1) and the requirements of at least one of the ratings set out in 4.5 (see ICAO Annex 1). Unlicensed State employees may operate as air traffic controllers on condition that they meet the same requirements”*.

5.10.2 In Annex 1 to the Chicago Convention it is also prescribed that *“a Contracting State having issued an air traffic controller licence shall not permit the holder thereof to carry out instruction in an operational environment unless such holder has received proper authorization from such Contracting State”*. Furthermore, *“a Contracting State, having issued a licence, shall ensure that other Contracting States are enabled to be satisfied as to the validity of the licence”*.

5.10.3 In the situation where a State delegates to another State the responsibility for the provision of ATS in the airspace above its territory, the validity of the air traffic controller licences relevant to the provision of ATS in the portion of airspace concerned, should have been ensured. The training of ATS personnel of one Contracting State, providing ATS in the portion of airspace of the other Contracting State, shall include the requirements pertaining to the airspace concerned.

5.10.4 Furthermore, in Annex 1 to the Chicago Convention it is stated that *“before exercising the privileges indicated in 4.5.3.1 (see ICAO Annex 1), the licence holder shall be familiar with all pertinent and current information”*.

5.10.5 Therefore, in the event of a State delegating to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, the Providing State should be kept advised of all pertinent and current information regarding the portion of airspace concerned, in order to accomplish properly the requirements above.

## 5.11 Forwarding of meteorological information

5.11.1 According to ICAO PANS-ATM (Doc 4444) Chapter 4 air traffic services units shall:

- relay the basic ADS-C and meteorological information blocks and aircraft registration without delay to the world area forecast centres (WAFCs).
- when receiving special air-reports by data link communications, air traffic services units forward them without delay to their associated meteorological watch office and the WAFCs.
- when receiving air-reports by voice communications, air traffic services units forward them without delay to their associated meteorological watch offices.



5.11.2 In the situation where a State delegates to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, the States should establish procedures regarding the forwarding of meteorological information.

#### 5.12 Contingency procedures

5.12.1 In the event the ATS unit of the Providing State is unable to continue the provision of ATS in the portion of airspace of the Delegating State, the appropriate procedures to be applied should be specified.

### 6 APPLICATION OF THE RULES OF THE AIR

6.1 In Annex 2 to the Chicago Convention it is prescribed that *“the rules of the air shall apply to aircraft bearing the nationality and registration marks of a Contracting State, wherever they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown”*.

6.2 As a consequence, in the portion of the airspace above the territory of a State where the responsibility for the provision of ATS is delegated to another State, the rules of the air published by the Delegating State shall apply. However, Article 12 of the Chicago Convention prescribes that *“each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention”*.

### 7 TERRITORIAL MATTERS

7.1 (1) State Aircraft, other than those of the Delegating State, may not enter that portion of the airspace where the responsibility for the provision of ATS has been delegated without prior Diplomatic Clearance or special permission from the Delegating State.

(2) For State Aircraft operating as **GAT** the same rules and procedures are to be applied as for Civil Air Traffic, but where necessary, special procedures should be established to permit access to the airspace. **OAT** shall be subject to prior coordination between the military unit and the ATS Unit/Authority concerned.

7.2 If deemed necessary, the States should have established procedures authorizing the Delegating State to temporarily suspend or limit the delegation of the responsibility for the provision of ATS (**see the Common Format LoA, para. 2.2.5**).

*Note: See Convention on International Civil Aviation, Doc 7300/8, Articles 1 and 2.*

### 8 ATS AIRSPACE CLASSIFICATION

8.1 In accordance with Annex 11 to the Chicago Convention *“States shall select those airspace classes appropriate to their needs”*.

8.2 However, in the situation where a State delegates to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, the ATS airspace classifications as determined by the Delegating State apply in the airspace concerned.

8.3 Since the airspace classification is directly related to the level of ATS provided, States might, in the situation where a State delegates to another State the responsibility for the

provision of ATS in a portion of the airspace above its territory, undertake to negotiate the ATS airspace classifications to be applied in the portion of airspace concerned, in order to better accomplish the level of air traffic services requested.

## 9 AIR TRAFFIC INCIDENT INVESTIGATION

- 9.1 Regarding the applicability of Annex 13 to the Chicago Convention it is prescribed that *“unless otherwise stated, the specifications in this Annex apply to activities following accidents and incidents wherever they occurred”*.
- 9.2 In Annex 13 to the Chicago Convention it is prescribed that *“the State of Occurrence shall institute an investigation into the circumstances of the accident”*. Furthermore, in Annex 13 to the Chicago Convention it is expressed as a Recommendation that *“the State of Occurrence should institute an investigation into the circumstances of a serious incident”*.
- 9.3 In Annex 13 to the Chicago Convention the terms accident, serious incident and incident are defined. In the definition of a serious incident it is noted, that the difference between an accident and a serious incident lies only in the result. A list, however not exhaustive, of serious incidents is attached to Annex 13.
- 9.4 Annex 13 to the Chicago Convention further prescribes that *“any State, the facilities or services of which have been, or would normally have been, used by an aircraft prior to an accident or an incident wherever it occurred, and which has information pertinent to the investigation, shall provide such information to the State conducting the investigation”*.
- 9.5 Chapter 3 (Part II) of the ICAO Air Traffic Services Planning Manual (Doc 9426) is concerned with incidents specifically related to the provision of ATS and known as Air Traffic Incidents.
- 9.6 The term Air Traffic Incident is not defined, however described, according to ICAO PANS-ATM (Doc 4444), as incidents specifically related to the provision of air traffic services involving such occurrences as aircraft proximity (AIRPROX) or other serious difficulty resulting in a hazard to aircraft, caused by e.g. faulty procedures, non-compliance with procedures (PROCEDURE), or failure of ground facilities (FACILITY).
- 9.7 Air Traffic Incident Reports, intended for use by pilots and air traffic controllers, and any associated information should be recorded by the ATS unit concerned and forwarded to the appropriate investigation authority. All material relevant for the investigation should be secured.
- 9.8 The initial ATS investigation is normally carried out by the ATS unit to which the Air Traffic Incident has been reported or which noted it and should contain the following information:
- statements by personnel involved;
  - tape transcripts of relevant radio and telephone communications;
  - copies of flight progress strips and other relevant data, including recorded radar data, if available;
  - copies of the meteorological reports and forecasts relevant to the time of the incident;
  - technical statements concerning the operating status of equipment, if applicable;
  - unit findings and recommendations for corrective actions, if appropriate.
- 9.9 In the situation where a State delegates to another State the responsibility for the provision of ATS in a portion of the airspace above its territory, it normally falls within the responsibility of the ATS unit of the Providing State to accomplish the activities described

in paras. 9.7 and 9.8. The further investigation is normally carried out by the relevant investigation authorities of the Delegating State.

9.10 In the situation where a State delegates to another State the responsibility for the provision of ATS in a portion of the airspace above its territory the following shall apply:

1. A Contracting State will institute an inquiry into the circumstances of accidents or serious incidents occurring in its territory.
2. At its request, the Delegating State shall be provided with the necessary materials from the ATS Unit/Authority of the Providing State (e.g. radar data recordings, tape transcriptions, etc.) in order to enable it to conduct an enquiry into an accident or serious incident occurring in the Delegating State's territory.
3. The Providing State shall be given the opportunity to appoint observers to be present at the inquiry and the Delegating State shall communicate the report and findings of the inquiry to that State.

## **10 CRITERIA FOR THE IDENTIFICATION OF AREAS WHERE DELEGATION OF ATS WOULD BE BENEFICIAL:**

- 1) Geographical position of airports close to FIR boundaries;
- 2) Geographical position of major crossing points close to FIR boundaries;
- 3) Lateral protection of airways and/or predetermined routes close to FIR boundaries;
- 4) Optimising the use of available radar coverage;
- 5) Optimising the use of available radiotelephony coverage;
- 6) Optimising the use of available air traffic control capacity;
- 7) Rationalisation of airspace sectorisation, avoiding short sector crossing times;
- 8) Straightening of boundaries between ACCs to permit the transfer of control at clear operational boundaries;
- 9) Early transfer of control on unidirectional traffic flows;
- 10) On major traffic flows transfer of control where traffic is predominantly in level flight;
- 11) Avoiding multiple coordination between ACCs, where traffic penetrates one or several ACCs for short periods of time;
- 12) Ensuring operational continuity during climb and descent phases to avoid multiple coordination between ACCs;
- 13) Specific operations;
- 14) Optimising the ATS provided to reduce aircrew workload.

*[Editorial Note: The numbering above does not indicate a ranking of priorities]*

# Annex A

## **MODEL AGREEMENT ON THE DELEGATION OF AIR TRAFFIC SERVICES**

### **EUROCONTROL**

*The Model Agreement on the Delegation of Air Traffic Services aims at facilitating and harmonising the delegation of Air Traffic Services (ATS), and hence to contributing to the optimisation of airspace utilisation. The Model Agreement has been endorsed by the EUROCONTROL ATM/CNS Consultancy Group (ACG) and approved by the EUROCONTROL Provisional Council. Further to a decision of the ICAO European Air Navigation Planning Group (EANPG), the Model Agreement will also have been disseminated to interested parties in the whole ICAO EUR Region.*

*The Model Agreement addresses the legal and regulatory aspects of delegation of ATS, and allows the appropriate ATS Units/Authorities to negotiate and conclude Letters of Agreement containing the operational and technical aspects of delegation of ATS. It recognises the need for States to follow the EUROCONTROL Common Format, Letter of Agreement when concluding their operational Letters of Agreement (LoA).*

*Although this Model Agreement will have been distributed to States under separate cover, the Model Agreement is included here as background, informative material.*

| Text  | Explanatory Notes |
|---|-------------------|
| <p style="text-align: center;"><b><u>Preamble</u></b></p> <p style="text-align: center;"><b>A g r e e m e n t</b></p> <p style="text-align: center;">between the Government of .....(State)<br/>and the Government of .....(State)</p> <p style="text-align: center;"><b><i>on the Delegation of Air Traffic Services</i></b></p> |                   |

The Government of .....(State) and the Government of.....(State)  
(hereinafter: “the Contracting States”)

Desiring to facilitate the safe conduct of international flight operations across their common State boundaries in the interests of the airspace users and their passengers;

For the purpose of promoting air traffic services relations between the Contracting States for their mutual benefit;

Being Parties to the Convention on International Civil Aviation, opened for signature at Chicago on December 7, 1944 and desiring to conclude an agreement for the purpose of providing Air Traffic Services according to the international Standards and Recommended Practices set out in Annex 11 to the Chicago Convention, across and beyond their respective territories;

Referring to the ECAC Institutional Strategy for ATM in Europe and the Protocol consolidating the EUROCONTROL International Convention relating to Cooperation for the Safety of Air Navigation, which was opened for signature on 27 June 1997 (the revised Convention);

Recognising that the conclusion of an agreement between States regarding the delegation of ATS shall not prejudice the principle that every State has complete and exclusive sovereignty over the airspace above its territory or the capacity of every State to exercise its prerogatives with regard to security and defence in its national airspace;

Recognising, that the aim of this agreement is to address legal and institutional aspects of the delegation of ATS and to allow lower level authorities involved to negotiate and conclude Letters of Agreement containing the specific operational and technical aspects related to these matters.

Have agreed as follows:

## **Article 1**

### **Definitions**

For the purpose of this Agreement, unless otherwise stated, the term:

1. *“Agreement”* means this Agreement, its Appendices and any amendments thereto.
2. *“Air Traffic Service”* as a generic term includes flight information service, alerting service, air traffic advisory service, air traffic control service provided by the Contracting States.
3. *“Appropriate ATS authority”* means the relevant authority designated by the Contracting State responsible for providing air traffic services in the airspace concerned.
4. *“Chicago Convention”* means the Convention on International Civil Aviation, opened for signature at Chicago on December 7, 1944 and includes:
  - a) any amendment thereof that has been ratified by both Contracting States and has entered into force under Article 94a of the Convention, and
  - b) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as the international Standards referred to in Article 37 of the Convention in such Annex or amendment are at any given time effective for both Contracting States.
5. *“Delegation of ATS”* means the delegation from one State (the Delegating State) to another State (the Providing State) of the responsibility for providing air traffic services in a portion of airspace extending over the territories of the former.
6. *“GAT” or General Air Traffic* means flights conducted in accordance with the rules and provisions of ICAO.
7. *“OAT” or Operational Air Traffic* means flights which do not comply with the provisions stated for GAT and for which rules and procedures have been specified by the appropriate authorities.
8. *“Territory” in relation to a State*, has the meaning specified in Article 2 of the Chicago Convention.

*In conformity with Annex 11 of the Chicago Convention.*

*Article 2 of the Chicago Convention: “Territory: For the purposes of this Convention the territory of a State shall be deemed to be the land areas and the territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.”*

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| <p style="text-align: center;"><b><u>Article 2</u></b></p> <p style="text-align: center;">Authorisation to Lower Level<br/>Authorities (ATS Unit /ATS Authority)</p> <p>(1) The Contracting States agree that the responsibility for control of air traffic shall be transferred from an ATS unit of one State to another ATS unit in a neighbouring State, according to the provisions set forth in Annex 11 and under the terms of this Agreement.</p> <p>(2) The control information pertinent to the transfer shall be exchanged between the ATS units concerned having due regard to the national regulations in force and to the local circumstances.</p> <p>(3) The Contracting States agree that the appropriate ATS Unit/Authority of one State may provide air traffic services in a portion of the airspace of the other State, in accordance with the terms of this Agreement.</p> <p>(4) To that effect the Contracting States authorise their appropriate ATS Units/Authorities to conclude Letters of Agreement (LoA).</p> <p>(5) These Letters of Agreement (LoA) shall define the portion of airspace concerned and specify the rules and procedures to be applied in accordance with the provisions of this Agreement and shall follow the structure of the EUROCONTROL Common Format, Letter of Agreement (Hereinafter the <i>Common Format LoA</i>).</p> | <p><i>Based on the provisions of Annex 11 of the Chicago Convention and the conclusions of MATSE/5.</i></p> <p><i>Paragraph 4 refers solely to paragraph 3 of Article 2. Hence the words “To that effect”.</i></p> <p><i>The present Common Format LoA of EUROCONTROL will serve as a guideline for States.</i></p>  |
| <p style="text-align: center;"><b><u>Article 3</u></b></p> <p style="text-align: center;">Application of Rules and Procedures</p> <p>(1) The rules and procedures pertaining to the provision of ATS in the Providing State shall apply when providing ATS in a portion of the airspace of the Delegating State.</p> <p>(2) The ATS Unit/Authority of the Contracting States may agree, however, that certain rules and procedures of the Delegating State pertaining to the provision of ATS will remain applicable in the airspace concerned.</p>  | <p><i>As a principle of sovereignty, the rules and procedures of the Delegating State apply in its territory. It is, however, actual practice to apply the rules and procedures pertaining to the provision of ATS of the Providing State. In the interest of safety and for the sake of efficiency, it is necessary that the air traffic controller is able to apply only one set of rules and procedures – those of the Providing State.</i></p> |



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| <p style="text-align: center;"><b><u>Article 4</u></b></p> <p style="text-align: center;">Financial Arrangements</p> <p>(1) Each Contracting State shall bear the costs of any activity performed by it under this Agreement, unless otherwise agreed by the Contracting States.</p> <p>(2) The introduction of financial arrangements requires prior written agreement between the appropriate representatives of the Contracting States.</p>   | <p><i>Generally, the delegation of ATS is in the interest of the service provider. The reason for delegation of ATS is in many cases lack of airspace to provide a proper service to the users.</i></p> <p><i>Activities involving inter alia cost-sharing or revenue sharing are subject to bilateral negotiations. Reasons for doing it could be manifold.</i></p> |
| <p style="text-align: center;"><b><u>Article 5</u></b></p> <p style="text-align: center;">Civil Liability</p> <p>(1) The Providing State shall be liable for the damage caused by its negligence, or that of its agents or of any other person acting on its behalf, under the provisions of this Agreement.</p> <p>(2) Claims against the Providing State, its agents or any other person acting on its behalf shall be made in the courts, and subject to the law of the Providing State.</p> <p>(3) The Delegating State may bring an action against the Providing State to recover any compensation or costs paid or incurred as a result of loss or damage caused by the negligence of the Providing State, its agents or any other person acting on its behalf, while applying the provisions of this Agreement. The action shall be brought in the courts, and subject to the law of the Providing State.</p> | <p><i>Provisions of this article are only applicable in the relationship between the Contracting States and do not constitute rights or obligations for third parties.</i></p>   |

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| <p style="text-align: center;"><b><u>Article 6</u></b></p> <p style="text-align: center;">Licensing and Training</p> <p>(1) The Contracting States agree that:</p> <ul style="list-style-type: none"><li>(a) an air traffic controller licence issued by one Contracting State, or</li><li>(b) an authorisation by a service provider, or</li><li>(c) an authorisation to a unlicensed State employee to operate as an air traffic controller,</li></ul> <p>is valid for the provision of air traffic services in the portion of the airspace of the other Contracting State within which the responsibility for the provision of ATS is delegated.</p> <p>(2) Training of ATS personnel of one Contracting State, providing ATS in the portion of airspace of the other Contracting State, shall include the requirements pertaining to the airspace concerned.</p> | <p><i>This is actual practice which is applied by several ATS Units/Authorities in the world.</i></p> <p><i>Different airspace classifications, restricted and reserved areas and/or special regulations in the neighbouring State including military procedures should be taken into account.</i></p> |
| <p style="text-align: center;"><b><u>Article 7</u></b></p> <p style="text-align: center;">State Aircraft</p> <p>(1) State Aircraft other than those of the Delegating State may not enter that portion of airspace where the responsibility for the provision of ATS has been delegated without prior Diplomatic Clearance or special permission from the Delegating State.</p> <p>(2) For State aircraft operating as <b>GAT</b> the same rules and procedures are to be applied as for Civil Air Traffic, but where necessary, special procedures should be established to permit their access to the airspace. <b>OAT</b> shall be subject to prior coordination between the military unit and the ATS Unit/Authority concerned.</p>  | <p><i>Generally a distinction between GAT and OAT is made to reflect their different objectives. For GAT, the relevant ICAO regulations (transferred into national law) would be applicable.</i></p>   |

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| <p style="text-align: center;"><b><u>Article 8</u></b></p> <p style="text-align: center;">Coordination and Contingency Procedures<br/>for Military and Other Reasons</p> <p>(1) Letters of Agreement (LoA) shall be supplemented by coordination and contingency procedures established by the Units/Authorities concerned.</p> <p>(2) The ATS Unit/Authority of the Providing State shall provide the appropriate military Authorities/Units of the Delegating State with pertinent flight plans and other data concerning the flights in the airspace where the responsibility for the provision of ATS has been delegated.</p> | <p><i>The coordination and contingency procedures could include the following items, in accordance with Annex 11 and 2 of the Chicago Convention:</i></p> <ul style="list-style-type: none"><li>• <i>service the aircraft in the event of an emergency</i></li><li>• <i>steps to be taken in-flight contingencies</i></li><li>• <i>steps to be taken to assist the strayed aircraft</i></li><li>• <i>steps to be taken concerning the interception of ( civil ) aircraft / unlawful use of the airspace</i></li><li>• <i>coordination between military authorities and air traffic services</i></li><li>• <i>coordination of activities potentially hazardous to civil aircraft</i></li><li>• <i>information exchange between the appropriate civil and military authorities / units</i></li><li>• <i>requirements relating to the diplomatic clearances or for special permissions for State Aircraft of the other State</i></li></ul> |
| <p style="text-align: center;"><b><u>Article 9</u></b></p> <p style="text-align: center;">Publication</p> <p>Contracting States shall agree upon the content of, and publish all relevant information regarding the portion of airspace, where the responsibility for the provision of ATS has been delegated, in their Aeronautical Information Package as defined in Annex 15 to the Chicago Convention.</p>  |   |

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| <p style="text-align: center;"><b><u>Article 10</u></b></p> <p style="text-align: center;">Investigation of Accidents or Serious Incidents</p> <p>(1) A Contracting State will institute an inquiry into the circumstances of accidents or serious incidents occurring in its territory.</p> <p>(2) At its request, the Delegating State shall be provided with the necessary materials from the ATS Unit/Authority of the Providing State (e.g. radar data recordings, tape transcriptions, etc.) in order to enable it to conduct an inquiry into an accident or serious incident occurring in the Delegating State's territory.</p> <p>(3) The Providing State shall be given the opportunity to appoint observers to be present at the inquiry and the Delegating State shall communicate the report and findings of the inquiry to that State.</p> | <p><i>In conformity with Article 26 and Annex 13 of the Chicago Convention.</i></p> <p><i>In conformity with Directive 94/56 of the European Council.</i></p> <p><i>Coordination between the two States concerned is in most cases necessary.</i></p> |
| <p style="text-align: center;"><b><u>Article 11</u></b></p> <p style="text-align: center;">Dispute Resolution</p> <p>(1) If any dispute arises between the Contracting States regarding the interpretation or application of any provision of this Agreement, the Contracting States shall in the first place endeavour to settle it by negotiation.</p> <p>(2) If the Contracting States are unable to resolve any disagreement by negotiation, the dispute shall be submitted for final decision to a third party (arbitrator) designated by both Contracting States.</p> <p>(3) The costs of arbitration, including its fees and expenses, shall be shared equally by the Contracting States.</p>  | <p><i>The possibility that the Contracting States could elect EUROCONTROL as their arbitrator was suggested by the members involved in the drafting of this Agreement.</i></p>  |

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| <p style="text-align: center;"><b><u>Article 12</u></b></p> <p style="text-align: center;">Termination/Suspension</p> <p>(1) This Agreement may be terminated by either Contracting State at any time by written notice to the other Contracting State. The termination shall become effective {12} months after the date of receipt of such notice by the other Contracting State.</p> <p>(2) In the event of war, during a period of emergency or in the interest of public safety, or in other exceptional circumstances, each Contracting State has the right to suspend or terminate the Agreement with immediate effect, and shall notify the other Contracting State accordingly.</p> <p>(3) The Letters of Agreement referred to in Article 2 (5) shall contain provisions regarding their suspension and termination.</p> | <p><i>See Article 9 of the Chicago Convention.</i></p> <p><i>This is to meet defence requirements. If this agreement (State level) is terminated, the LoA under it will, as a consequence, be cancelled with effect from the same date of termination.</i></p> |
| <p style="text-align: center;"><b><u>Article 13</u></b></p> <p style="text-align: center;">Entry into Force</p> <p>(1) This Agreement shall enter into force as soon as the Contracting States have notified each other in writing of the completion of their respective constitutional requirements.</p> <p>(2) This Agreement may be provisionally applied from the date of its signature.</p>   |  |
| <p style="text-align: center;"><b><u>Article 14</u></b></p> <p style="text-align: center;">Amendments</p> <p>(1) If a Contracting State considers it desirable to amend any provisions of this Agreement, it may request consultations with the other Contracting State. Any amendments agreed by the Contracting States shall come into force when they have been confirmed by an exchange of diplomatic notes.</p> <p>(2) Amendments to the Attached <i>Common Format LoA</i> may be jointly determined by direct Agreement between the appropriate ATS Units/Authorities of the Contracting States.</p>   |  |

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| <p style="text-align: center;"><b><u>Article 15</u></b></p> <p style="text-align: center;">Transitional Measures for Agreements<br/>Already in Operation</p> <p>Agreements which are in operation on the date of entry into force of this Agreement shall be assessed for possible revision in accordance with the provisions set out in this Agreement.</p>         | <p><i>“Agreements already in operation” refers to agreements on coordination procedures as well as agreements at the State level.</i></p> |
| <p style="text-align: center;"><b><u>Article 16</u></b></p> <p style="text-align: center;">ICAO Registration</p> <p>This Agreement shall be registered with the ICAO Council, in accordance with the provisions of Article 83 of the Chicago Convention.</p>   |   |
| <p>In witness whereof, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.</p> <p>Done in duplicate at..... this.....day of 2000 in the English ( ) languages. In case of any divergence of interpretation of the text, the English one shall prevail.</p> <p>For the Government of</p> <p>For the Government of</p> |   |

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