



International
Civil Aviation
Organization

Organisation
de l'aviation civile
internationale

Organización
de Aviación Civil
Internacional

Международная
организация
гражданской
авиации

منظمة الطيران
المدني الدولي

国际民用
航空组织

Tel.: +1 514-315-2449

Ref.: AN 11/6.3.34-24/35

18 April 2024

Subject: Adoption of Amendment 41 to Annex 6, Part II

Action required: a) notify any disapproval before 22 July 2024; b) notify any differences and compliance before 28 October 2024; c) consider the use of the Electronic Filing of Differences (EFOD) System for notification of differences and compliance

Sir/Madam,

1. I have the honour to inform you that Amendment 41 to the *International Standards and Recommended Practices, Operation of Aircraft — International General Aviation — Aeroplanes* (Annex 6, Part II to the Convention on International Civil Aviation) was adopted by the Council at the fifth meeting of its 231st Session on 18 March 2024. Copies of the Amendment and the Resolution of Adoption are available as attachments to the electronic version of this State letter on the ICAO-NET (<http://portal.icao.int>) where you can access all other relevant documentation.

2. When adopting the amendment, the Council prescribed 22 July 2024 as the date on which it will become effective, except for any part concerning which a majority of Contracting States have registered their disapproval before that date. In addition, the Council resolved that Amendment 41, to the extent it becomes effective, will become applicable on 28 November 2024.

3. Amendment 41 arises from recommendations of the fourth meeting of the Air Traffic Management Requirements and Performance Panel (ATMRPP/4). The amendment is consequential and concerns the initial implementation of the flight and flow — information for a collaborative environment (FF-ICE) services. It addresses the new definitions to flight plan, updated along with clarification of the references to flight plans in the relevant parts of the Annex.

4. The subject is given in the amendment to the Foreword of Annex 6, Part II, a copy of which is in Attachment A.

5. In conformity with the Resolution of Adoption, may I request:
- a) that before 22 July 2024 you inform me if there is any part of the adopted Standards and Recommended Practices (SARPs) amendment in Amendment 41 concerning which your Government wishes to register disapproval, using the form in Attachment B for this purpose. Please note that only statements of disapproval need be registered and if you do not reply it will be assumed that you do not disapprove of the amendment;
 - b) that before 28 October 2024 you inform me of the following, using the Electronic Filing of Differences (EFOD) System or the form in Attachment C for this purpose:
 - 1) any differences that will exist on 28 November 2024 between the national regulations or practices of your Government and the provisions of the whole of Annex 6, Part II as amended by all amendments up to and including Amendment 41, and thereafter of any further differences that may arise; and
 - 2) the date or dates by which your Government will have complied with the provisions of the whole of Annex 6, Part II, as amended by all amendments up to and including Amendment 41.
6. With reference to the request in paragraph 5 a) above, it should be noted that a registration of disapproval of Amendment 41 or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist, as requested in paragraph 5 b) 1). It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.
7. With reference to the request in paragraph 5 b) above, it should be also noted that the ICAO Assembly, at its 39th Session (27 September to 6 October 2016), resolved that Member States should be encouraged to use the EFOD System when notifying differences (Resolution A39-22, refers). The EFOD System is currently available on the Universal Safety Oversight Audit Programme (USOAP) restricted website (<http://www.icao.int/usoap>) which is accessible by all Member States. You are invited to consider using this for notification of compliance and differences.
8. Guidance on the determination and reporting of differences is given in the Note on the Notification of Differences in Attachment D. Please note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
9. I would appreciate it if you would also send a copy of your notifications, referred to in paragraph 5 b) above, to the ICAO Regional Office accredited to your Government.
10. At the fifth meeting of its 204th Session, the Council requested that States, when being advised of the adoption of an Annex amendment, be provided with information on implementation and available guidance material, as well as an impact assessment. This is presented for your information in Attachments E and F, respectively. An overview of the approval process for Amendment 41 to Annex 6, Part II is also included for your information in Attachment G.

11. As soon as practicable after the amendment becomes effective on 28 November 2024, replacement pages incorporating Amendment 41 will be forwarded to you.

Accept, Sir/Madam, the assurances of my highest consideration.

for
Juan Carlos Salazar
Secretary General

Enclosures:

- A — Amendment to the Foreword of Annex 6, Part II
- B — Form on notification of disapproval of all or part of Amendment 41 to Annex 6, Part II
- C — Form on notification of compliance with or differences from Annex 6, Part II
- D — Note on the Notification of Differences
- E — Implementation task list and outline of guidance material in relation to Amendment 41 to Annex 6, Part II
- F — Impact assessment in relation to Amendment 41 to Annex 6, Part II
- G — Overview of approval process for Amendment 41 to Annex 6, Part II

ATTACHMENT A to State letter AN 11/6.3.34-24/35

AMENDMENT TO THE FOREWORD OF ANNEX 6, PART II

Add the following at the end of Table A:

<i>Amendment</i>	<i>Source(s)</i>	<i>Subject(s)</i>	<i>Adopted Effective Applicable</i>
41	Fourth meeting of the Air Traffic Management Requirements and Performance Panel (ATMRPP/4)	Definitions related to flight plans and initial implementation of the flight and flow — information for a collaborative environment (FF-ICE) services.	18 March 2024 22 July 2024 28 November 2024

ATTACHMENT B to State letter AN 11/6.3.34-24/35

**NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF
AMENDMENT 41 TO ANNEX 6, PART II**

To: The Secretary General
International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Quebec
Canada H3C 5H7

(State) _____ hereby wishes to disapprove the following parts of
Amendment 41 to Annex 6, Part II:

Signature _____

Date _____

NOTES

- 1) If you wish to disapprove all or part of Amendment 41 to Annex 6, Part II, please dispatch this notification of disapproval to reach ICAO Headquarters by 22 July 2024. If it has not been received by that date it will be assumed that you do not disapprove of the amendment. **If you approve of all parts of Amendment 41, it is not necessary to return this notification of disapproval.**
- 2) This notification should not be considered a notification of compliance with or differences from Annex 6, Part II. Separate notifications on this are necessary. (See Attachment C.)
- 3) Please use extra sheets as required.

ATTACHMENT C to State letter AN 11/6.3.34-24/35

**NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM ANNEX 6, PART II
(Including all amendments up to and including Amendment 41)**

To: The Secretary General
International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Quebec
Canada H3C 5H7

1. No differences will exist on _____ between the national regulations and/or practices of **(State)** _____ and the provisions of Annex 6, Part II, including all amendments up to and including Amendment 41.

2. The following differences will exist on _____ between the regulations and/or practices of **(State)** _____ and the provisions of Annex 6, Part II, including Amendment 41 (Please see Note 2) below.)

a) Annex Provision (Please give exact paragraph reference)	b) Details of Difference (Please describe the difference clearly and concisely)	c) Remarks (Please indicate reasons for the difference)
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(Please use extra sheets as required.)

3. By the dates indicated below, **(State)** _____ will have complied with the provisions of Annex 6, Part II, including all amendments up to and including Amendment 41 for which differences have been notified in 2 above.

a) Annex Provision (Please give exact paragraph reference)	b) Date	c) Comments
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Signature _____

Date _____

NOTES

- 1) If paragraph 1 above is applicable to your State, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 3) Guidance on the notification of differences is provided in the Note on the Notification of Differences and in the *Manual on Notification and Publication of Differences* (Doc 10055).
- 4) Please send a copy of this notification to the ICAO Regional Office accredited to your Government.

(Please use extra sheets as required.)

ATTACHMENT D to State letter AN 11/6.3.34-24/35

NOTE ON THE NOTIFICATION OF DIFFERENCES

(Prepared and issued in accordance with instructions of the Council)

1. *Introduction*

1.1 Article 38 of the Convention on International Civil Aviation (“Convention”) requires that a Contracting State notify ICAO any time it does not comply with a Standard in all respects, it does not bring its regulations or practices into full accord with any Standard, or it adopts regulations or practices differing in any particular respect from the Standard.

1.2 The Assembly and the Council, when reviewing the notification of differences by Contracting States in compliance with Article 38 of the Convention, have repeatedly noted that the timeliness and currency of such notifications is not entirely satisfactory. Therefore, this note is issued to reiterate the primary purpose of Article 38 of the Convention and to facilitate the determination and notification of differences.

1.3 The primary purpose of the notification of differences is to promote safety, regularity and efficiency in air navigation by ensuring that governmental and other agencies, including operators and service providers, concerned with international civil aviation are made aware of all national regulations and practices in so far as they differ from those prescribed in the Standards contained in Annexes to the Convention.

1.4 Contracting States are, therefore, requested to give particular attention to the notification of differences with respect to Standards in all Annexes, as described in paragraph 4 b) 1) of the Resolution of Adoption.

1.5 Although differences from Recommended Practices are not notifiable under Article 38 of the Convention, the Assembly has urged Contracting States to extend the above considerations to Recommended Practices contained in Annexes to the Convention, as well.

2. *Notification of differences from Standards and Recommended Practices (SARPs)*

2.1 Guidance to Contracting States in the notification of differences to Standards and Recommended Practices (SARPs) can only be given in very general terms. Contracting States are further reminded that compliance with SARPs generally extends beyond the issuance of national regulations and requires establishment of practical arrangements for implementation, such as the provision of facilities, personnel and equipment and effective enforcement mechanisms. Contracting States should take those elements into account when determining their compliance and differences. The following categories of differences are provided as a guide in determining whether a notifiable difference exists:

- a) *A Contracting State’s requirement is more exacting or exceeds a SARP (Category A)*. This category applies when the national regulation and practices are more demanding than the corresponding SARP, or impose an obligation within the scope of the Annex which is not covered by the SARP. This is of particular importance where a Contracting State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;

- b) *A Contracting State's requirement is different in character or the Contracting State has established other means of compliance (Category B)**. This category applies, in particular, when the national regulation and practices are different in character from the corresponding SARP, or when the national regulation and practices differ in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and
- c) *A Contracting State's requirement is less protective, partially implemented or not implemented (Category C)*. This category applies when the national regulation and practices are less protective than the corresponding SARP; when no national regulation has been promulgated to address the corresponding SARP, in whole or in part; or when the Contracting State has not brought its practices into full accord with the corresponding SARP.

These categories do not apply to Not Applicable SARP. Please see the paragraph below.

2.2 **Not Applicable SARP.** When a Contracting State deems a SARP concerning aircraft, operations, equipment, personnel, or air navigation facilities or services to be not applicable to the existing aviation activities of the State, notification of a difference is not required. For example, a Contracting State that is not a State of Design or Manufacture and that does not have any national regulations on the subject, would not be required to notify differences from Annex 8 provisions related to the design and construction of an aircraft.

2.3 **Differences from appendices, tables and figures.** The material comprising a SARP includes not only the SARP itself, but also the appendices, tables and figures associated with the SARP. Therefore, differences from appendices, tables and figures are notifiable under Article 38. In order to file a difference against an appendix, table or figure, States should file a difference against the SARP that makes reference to the appendix, table or figure.

2.4 **Differences from definitions.** Contracting States should notify differences from definitions. The definition of a term used in a SARP does not have independent status but is an essential part of each SARP in which the term is used. Therefore, a difference from the definition of the term may result in there being a difference from any SARP in which the term is used. To this end, Contracting States should take into consideration differences from definitions when determining compliance or differences to SARPs in which the terms are used.

2.5 The notification of differences should be not only to the latest amendment but to the whole Annex, including the amendment. In other words, Contracting States that have already notified differences are requested to provide regular updates of the differences previously notified until the difference no longer exists.

2.6 Further guidance on the identification and notification of differences, examples of well-defined differences and examples of model processes and procedures for management of the notification of differences can be found in the *Manual on Notification and Publication of Differences* (Doc 10055).

* The expression "different in character or other means of compliance" in b) would be applied to a national regulation and practice which achieve, by other means, the same objective as that of the corresponding SARPs or for other substantive reasons so cannot be classified under a) or c).

3. *Form of notification of differences*

3.1 Differences can be notified:

- a) by sending to ICAO Headquarters a form on notification of compliance or differences; or
- b) through the Electronic Filing of Differences (EFOD) System at www.icao.int/usoap.

3.2 When notifying differences, the following information should be provided:

- a) the number of the paragraph or subparagraph which contains the SARP to which the difference relates*;
- b) the reasons why the State does not comply with the SARP, or considers it necessary to adopt different regulations or practices;
- c) a clear and concise description of the difference; and
- d) intentions for future compliance and any date by which your Government plans to confirm compliance with and remove its difference from the SARP for which the difference has been notified.

3.3 The differences notified will be made available to other Contracting States, normally in the terms used by the Contracting State when making the notification. In the interest of making the information as useful as possible, Contracting States are requested to ensure that:

- a) statements be as clear and concise as possible and be confined to essential points;
- b) the provision of extracts from national regulations not be considered as sufficient to satisfy the obligation to notify differences; and
- c) general comments, unclear acronyms and references be avoided.

* This applies only when the notification is made under 3.1 a).

ATTACHMENT E to State letter AN 11/6.3.34-24/35

**IMPLEMENTATION TASK LIST AND OUTLINE OF GUIDANCE MATERIAL
IN RELATION TO AMENDMENT 41 TO ANNEX 6, PART II**

1. IMPLEMENTATION TASK LIST

1.1 Essential steps to be followed by a State in order to implement Amendment 41 to Annex 6, Part II:

- a) amend national regulations and guidance with the updated definitions as required.

2. STANDARDIZATION PROCESS

- 2.1 Effective date: 22 July 2024
- 2.2 Applicability date: 28 November 2024
- 2.3 Embedded applicability date(s): N/A

3. SUPPORTING DOCUMENTATION

3.1 ICAO documentation

Title	Type (PANS/TI/Manual/Circ)	Planned publication date
<i>Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM, Doc 4444)</i>	PANS	Q3 2024 (Amendment 12)
<i>Manual on Flight and Flow — Information for a Collaborative Environment (FF-ICE) (Doc 9965)</i>	Manual	Q3 2024 (2nd Edition)

3.2 External documentation

Title	External Organization	Publication date
Nil		

4. IMPLEMENTATION ASSISTANCE TASKS

Type	Global	Regional
Nil		

5. **UNIVERSAL SAFETY OVERSIGHT AUDIT
PROGRAMME (USOAP)**

5.1 No changes are envisaged in the Protocol Questions (existing PQs are considered sufficient to address existing and new provisions).

**IMPACT ASSESSMENT IN RELATION TO
AMENDMENT 41 TO ANNEX 6, PART II**

1. INTRODUCTION

1.1 Amendment 41 to Annex 6, Part II introduces consequential changes arising from the ATMRPP work. The new flight plan definitions are updated along with clarification of the references to flight plans in the relevant parts of the Annex.

2. IMPACT ASSESSMENT

2.1 *Safety impact:* Positive benefit.

2.2 *Financial impact:* Since the amendments are elective, the cost impact will occur when the need for the FF-ICE services is determined. The financial impact to States would be minimal as the extent of the amendment is not significant and can be accommodated as part of the normal rule-making process. The financial impact on operators that determine the use of the FF-ICE services will involve changes to computer systems and personnel training.

2.3 *Security impact:* No security impact with the implementation of this amendment.

2.4 *Environmental impact:* No environmental impact with the implementation of this amendment.

2.5 *Efficiency impact:* Positive benefit.

2.6 *Expected implementation time:* For States, one to two years may be required to amend national regulations and issue new guidance for inspectors. For operators that determine the use of the FF-ICE services, two to five years may be required to upgrade their flight planning system and train their personnel.

ATTACHMENT G to State letter AN 11/6.3.34-24/35

**OVERVIEW OF APPROVAL PROCESS FOR
AMENDMENT 41 TO ANNEX 6, PART II**

Amendment concerning	Source(s)	Preliminary review by the ANC	State letter and date	Final review by the ANC	No. of replies at final review	Adopted Effective Applicable
Consequential amendment related to the initial implementation of FF-ICE services	Fourth meeting of the Air Traffic Management Requirements and Performance Panel (ATMRPP/4)	29 November 2022 (ANC 221-6) AN-WP/9574 and DP No. 1 AN-WP/9574.PDP	AN 13/1.8, AN 7/63.1.2, AN 13/2.5, AN 2/33.1-22/108 ³ and Corr. No. 1 in Russian only 29 December 2022	2 November 2023 (ANC 224-6) AN-WP/9689	63 Contracting States (18) 5 int. orgs. Total: 68 replies	18 March 2024 22 July 2024 28 November 2024

— END —

AMENDMENT 41

TO THE

**INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

OPERATION OF AIRCRAFT

ANNEX 6

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

PART II

INTERNATIONAL GENERAL AVIATION — AEROPLANES

The amendment to Annex 6, Part II contained in this document was adopted by the Council of ICAO on **18 March 2024**. Such parts of this amendment as have not been disapproved by more than half of the total number of Contracting States on or before **22 July 2024** will become effective on that date and will become applicable on **28 November 2024** as specified in the Resolution of Adoption. (State letter AN 11/6.3.34-24/35 refers.)

MARCH 2024

INTERNATIONAL CIVIL AVIATION ORGANIZATION

**AMENDMENT 41 TO THE INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

**ANNEX 6 — OPERATION OF AIRCRAFT,
PART II — INTERNATIONAL GENERAL AVIATION — AEROPLANES**

RESOLUTION OF ADOPTION

The Council

Acting in accordance with the Convention on International Civil Aviation, and particularly with the provisions of Articles 37, 54 and 90 thereof,

1. *Hereby adopts* on 18 March 2024 Amendment 41 to the International Standards and Recommended Practices contained in the document entitled *International Standards and Recommended Practices, Operation of Aircraft, International General Aviation — Aeroplanes* which for convenience is designated Annex 6, Part II to the Convention;
2. *Prescribes* 22 July 2024 as the date upon which the said amendment shall become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the Council before that date;
3. *Resolves* that the said amendment or such parts thereof as have become effective shall become applicable on 28 November 2024 unless otherwise indicated;
4. *Requests the Secretary General:*
 - a) to notify each Contracting State immediately of the above action and immediately after 22 July 2024 of those parts of the amendment which have become effective;
 - b) to request each Contracting State:
 - 1) to notify the Organization (in accordance with the obligation imposed by Article 38 of the Convention) of the differences that will exist on 28 November 2024 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 28 October 2024, and thereafter to notify the Organization of any further differences that arise;
 - 2) to notify the Organization before 28 October 2024 of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended;
 - c) to invite each Contracting State to notify additionally any differences between its own practices and those established by the Recommended Practices, following the procedure specified in subparagraph b) above with respect to differences from Standards.

**NOTES ON THE PRESENTATION OF
AMENDMENT 41 TO ANNEX 6, PART II**

The text of the amendment is arranged to show deleted text with a line through it and new text highlighted with grey shading, as shown below:

~~Text to be deleted is shown with a line through it.~~

text to be deleted

New text to be inserted is highlighted with grey shading.

new text to be inserted

~~Text to be deleted is shown with a line through it~~ followed by
the replacement text which is highlighted with grey shading.

new text to replace existing text

TEXT OF AMENDMENT 41
TO THE
INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES

ANNEX 6

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION
OPERATION OF AIRCRAFT

PART II

INTERNATIONAL GENERAL AVIATION — AEROPLANES

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PUBLICATIONS
(referred to in this Annex)

ICAO Publications

...

Manuals¹

...

Manual on Flight and Flow — Information for a Collaborative Environment (FF-ICE) (Doc 9965)

...

SECTION 1

GENERAL

CHAPTER 1.1 DEFINITIONS

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Filed flight plan (FPL or eFPL). The latest flight plan as submitted by the pilot, an operator or a designated representative for use by ATS units.

Note.— The FPL denotes a filed flight plan exchanged using aeronautical fixed service while eFPL denotes a filed flight plan exchanged using FF-ICE services. The eFPL allows for the exchange of additional information not contained within the FPL.

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Flight plan. Specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft.

Note 1.— The term flight plan may be prefixed by the words “preliminary”, “filed”, “current” or “operational” to indicate the context and different stages of a flight.

Note 2.— When the word “message” is used as a suffix to this term, it denotes the content and format of the flight plan data as transmitted.

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Preliminary flight plan (PFP). The information related to a flight submitted by an operator or a designated representative to conduct collaborative planning of a flight, prior to filing a flight plan.

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SECTION 2

GENERAL AVIATION OPERATIONS

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CHAPTER 2.2 FLIGHT OPERATIONS

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2.2.3 Flight preparation

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2.2.3.3 Flight planning

Before commencing a flight, the pilot-in-command shall be familiar with all available meteorological information appropriate to the intended flight. Preparation for a flight away from the vicinity of the place of departure, and for every flight under the instrument flight rules, shall include:

- a) a study of available current weather reports and forecasts; and
- b) the planning of an alternative course of action to provide for the eventuality that the flight cannot be completed as planned, because of weather conditions.

Note 1.— It is the practice in some States to declare, for flight planning purposes, higher minima for an aerodrome when nominated as an alternate, than for the same aerodrome when planned as that of intended landing.

Note 2.— The requirements for flight plans are contained in Annex 2 — Rules of the Air and the procedures relating to flight plans and associated services are contained in the Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM, Doc 4444).

Note 3.— Detailed guidance on the use of the FF-ICE services, including the use of a preliminary flight plan, can be found in the Manual on Flight and Flow — Information for a Collaborative Environment (FF-ICE) (Doc 9965).

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SECTION 3

LARGE AND TURBOJET AEROPLANES

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CHAPTER 3.4 FLIGHT OPERATIONS

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3.4.3 Flight preparation

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3.4.3.3 Operational flight planning

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Note 2.— The requirements for flight plans are contained in Annex 2 — Rules of the Air and the procedures relating to flight plans and associated services are contained in the Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM, Doc 4444).

Note 3.— Detailed guidance on the use of the FF-ICE services, including the use of a preliminary flight plan, can be found in the Manual on Flight and Flow — Information for a Collaborative Environment (FF-ICE) (Doc 9965).

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— END —