

(b) "Europe" shall not include Iceland or the Azores.

*Circumstances in which charges are payable by the owner*

5. If NSL is unable, after taking reasonable steps, to ascertain who is the operator, it may give notice to the owner of the aircraft that it will treat him as the operator for the purposes of this Specification until he establishes to the reasonable satisfaction of NSL that some other person is the operator; and from the time when the notice is given NSL shall be entitled, for so long as the owner is unable to establish as aforesaid that some other person is the operator, to treat the owner as if he were the operator, and for that purpose the provisions of this Specification (other than this paragraph) shall apply to the owner as if he were the operator.

*Interest on late payment*

6.-(1) If the amount of the charge payable under paragraph 4 is not paid in cleared funds by the operator of the aircraft within 30 days of the date payment is demanded by NSL, interest calculated in accordance with sub-paragraph (2) below on the unpaid amount shall be paid from that day until the date when cleared funds are received by NSL.

(2) Interest payable under sub-paragraph (1) shall be simple interest calculated from day to day at the rate of 11.58%.

*Disposal by NSL of charges received under the Specification*

7.-(1) Subject to sub-paragraphs (2) and (3) of this paragraph, NSL shall remit to the Governments of Denmark and Iceland such sums as it may receive under this Specification in respect of chargeable air services provided respectively by those Governments.

(2) With respect to those charges provided for in paragraphs 4(1) to (4) above, NSL shall deduct from the sums so received a sum of 1.74% thereof and shall remit this sum to the International Civil Aviation Organisation in respect of chargeable air services provided by that Organisation.

(3) With respect to those charges provided for in paragraphs 4(1) to (4) above, NSL may deduct from the sums so received and may retain as a fee a sum not exceeding 1.65% thereof.

By Order of the Civil Aviation Authority

R. J. Britton, Secretary and Legal Adviser, Civil Aviation Authority, CAA House, 45-59 Kingsway, London WC2B 6TE.

16 December 2009

**EXPLANATORY NOTE**

*(This note is not part of the Specification)*

This Specification revokes and replaces the Civil Aviation Authority (Denmark and Iceland Charges) Specification 2009.

The charge payable by operators of aircraft to the CAA in respect of crossings between Europe and North America is reduced in consequence of a decision of the Council of the International Civil Aviation Organisation. The element of the charge payable in respect of air navigation services provided by the Government of Denmark is increased from £10.88 to £13.56. The element of the charge payable in respect of air navigation services provided by the Government of Iceland is reduced from £42.61 to £34.84. The total charge is thus reduced from £53.49 to £48.40 (paragraph 4(1)).

New charges are introduced (paragraph 4(5)) as follows –

- (a) in respect of chargeable air services provided by the Government of Denmark a charge of £0.35 per unit of 100 km flown in the Reykjavik and Sondre Stromfjord FIRs; and
- (b) in respect of chargeable air services provided by the Government of Iceland a charge of £2.67 per unit of 100 km flown in the Reykjavik and Sondre Stromfjord FIRs; and
- (c) in respect of flights which do not exceed FL285 within the Reykjavik and Sondre Stromfjord FIRs and in respect of all flights to or from aerodromes in Greenland, the charges set out at paragraphs (a) and (b) above shall be reduced by half.

The interest rate payable is increased from 9.86% to 11.58% (paragraph 6(2)).

The charges are payable in pursuance of the Agreements on the Joint Financing of certain Air Navigation Services respectively in Greenland and the Faroe Islands and in Iceland, opened for signature in Geneva on 25th September 1956 (Cmnd. Nos. 677 and 678) as amended by the Protocols opened for signature at Montreal on 3rd November 1982 (Cmnd. Nos. 8844 and 8845) and as amended in 2008 pursuant to an ICAO State Letter IND/07/13 dated 12 July 2007.

In consequence of a decision of the Council of the International Civil Aviation Organisation the sum which is to be deducted by NSL from the charges received and remitted to that Organisation in respect of chargeable air services provided by it is increased from 1.12 to 1.74% (paragraph 7(2)).

The charges are required to be remitted to the Governments of Denmark and Iceland subject to the deduction of a fee not exceeding 1.65% for NSL's expenses in billing and collection (paragraph 7(3)).

(a) 2000 c.38.

(b) S.I. 2009/3015.

(1508/30)

## Civil Aviation

TRANSPORT ACT 2000

CHARGES FOR AIR SERVICES

SPECIFICATION BY THE CIVIL AVIATION AUTHORITY

THE CIVIL AVIATION AUTHORITY (EUROCONTROL CHARGES) SPECIFICATION 2010

TAKING EFFECT ON 1ST JANUARY 2010

The Civil Aviation Authority ("CAA"), in exercise of the powers conferred by sections 73, 74, 75 and 78 of the Transport Act 2000(a), hereby makes the following Specification:

*Citation and commencement*

1. This Specification may be cited as the Civil Aviation Authority (Eurocontrol Charges) Specification 2010 and shall take effect on 1st January 2010.

*Revocation*

2. The Civil Aviation Authority (Eurocontrol Charges) Specification 2009 is hereby revoked.

*Interpretation*

3.-(1) In this Specification –

"AIP" in relation to a country other than the United Kingdom means a document in force at the date of the making of this Specification, entitled "Aeronautical Information Publication" or "AIP" and published under the authority of that country;

"Eurocontrol" has the meaning given by section 24 of the Civil Aviation Act 1982(b);

"FIR" means "Flight Information Region";

"specified airspace" means the airspace of a FIR described as set forth in columns (1) and (2) of the Schedule hereto;

"United Kingdom Air Pilot" means the document so entitled in force at the date of the making of this Specification and published under the authority of the CAA.

(2) Unless otherwise defined in this Specification and unless the context otherwise requires, expressions used in this Specification shall have the same respective meanings as in the Transport Act 2000 and the Air Navigation Order 2009(c).

*Charge to be paid to Eurocontrol*

4.-(1) Subject to the provisions of this Specification the operator of any aircraft (in whatsoever State it is registered) for which chargeable air services are made available in a specified airspace shall pay to Eurocontrol, in respect of each flight by that aircraft in that airspace, a charge for those services (hereinafter referred to as "the charge") at the appropriate rate calculated in accordance with paragraph 7 of this Specification.

(2) The operator of an aircraft shall not be required to pay any charge to Eurocontrol under this Specification in respect of a flight if he has previously paid to Eurocontrol in respect of that flight a charge of the same or a greater amount under the law of a country specified in column 1 of the Schedule hereto.

*Circumstances in which charges are payable by the owner*

5. If Eurocontrol is unable, after taking reasonable steps, to ascertain who is the operator, it may give notice to the owner of the aircraft that it will treat him as the operator for the purposes of paragraph 4(1) until he establishes to the reasonable satisfaction of Eurocontrol that some other person is the operator; and from the time when the notice is given Eurocontrol shall be entitled, for so long as the owner is unable to establish as aforesaid that some other person is the operator, to treat the owner as if he were the operator, and for that purpose the provisions of this Specification (other than this paragraph) shall apply to the owner of the aircraft as if he were the operator.