

- (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.

(1007567)

## Civil Aviation Authority

### 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.

##### *Payment*

6. (1) The amount of the charge shall be payable to Eurocontrol at its principal office in Brussels and shall be paid in euros.

(2) The equivalent in sterling of the charge may be recovered in any court of competent jurisdiction in the United Kingdom.

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

(4) Interest payable under sub-paragraph (3) shall be simple interest calculated from day to day at the rate of 11.58%.

(5) Nothing in this Specification shall prevent Eurocontrol from accepting as a good discharge payment other than in euros or at places other than the principal office of Eurocontrol.

##### *Calculation of the Charge*

7. (1) The charge shall be calculated in euros according to the following formula —

$$r = N \times U$$

where  $r$  is the charge for the flight,  $N$  is the number of service units relating to that flight and  $U$  is the appropriate unit rate specified in column 3 of the Schedule hereto in relation to the specified airspace through which the flight is made, increased or decreased as the case may be by the same percentage as the relevant national currency has increased or decreased against the euro as compared with the rate of exchange specified in column 4 of the said Schedule in relation to that airspace.

(2) For the purpose of the preceding sub-paragraph, the number of service units relating to a flight shall be calculated in accordance with the following formula —

$$N = d \times p$$

where  $d$  is the distance factor for the flight in the specified airspace in question and  $p$  is the weight factor for the aircraft concerned.

(3) For the purposes of the preceding sub-paragraph —

(a) the distance factor shall be the number of kilometres in the great circle distance between the points specified in sub-paragraph (4) of this paragraph minus 20 kilometres for each landing and take-off in the specified airspace in question, divided by 100 and expressed to two places of decimals, and

(b) the weight factor, subject to the provisions of sub-paragraphs (6) and (7) of this paragraph, shall be equal to the square root of the quotient obtained by dividing by 50 the number of metric tonnes of the maximum total weight authorised of the aircraft and shall be expressed to two places of decimals.

(4) The points referred to in sub-paragraph (3) of this paragraph are —

(a) the aerodrome of departure within the specified airspace in question or, if there is no such aerodrome, the point of entry into that airspace; and

(b) the aerodrome of first destination within the specified airspace in question or, if there is no such aerodrome, the point of exit from that airspace.

(5) For the purposes of the preceding sub-paragraph, the point of entry into the specified airspace in question and the point of exit from that airspace shall be the points at which the lateral limits of the said airspace are crossed by the route described in the flight plan communicated by or on behalf of the operator of the aircraft either to the appropriate air traffic control unit or to the Flow Management Unit of Eurocontrol with any modifications thereto subsequently made or approved by or on behalf of the operator.