

This document constitutes the final draft proposal for implementing rules for the development of a common charging scheme for air navigation services, submitted by EUROCONTROL pursuant to the European Commission's mandate of 9 February 2004.

The title, the citations and the final provisions are drafted in the format prescribed by Community law. A EUROCONTROL rule will also be developed to respect its institutional requirements.

The above-mentioned provisions will therefore differ from one format (Community) to the other (EUROCONTROL).

## **Development of Implementing Rules on a Common Charging Scheme for Air Navigation Services**

# **Draft Implementing Rules**

**DRAFT**

**COMMISSION REGULATION (EC) N° ...  
of (Date)**

**laying down implementing rules for the development of a common  
charging scheme for air navigation services  
(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof;

Having regard to Regulation (EC) No 529/2004<sup>1</sup> of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky ("the framework Regulation"), in particular Article 8 (Implementing rules) thereof;

Having regard to Regulation (EC) No 550/2004<sup>2</sup> of the European Parliament and of the Council on the provision of air navigation services in the single European sky ("the service provision Regulation"), and in particular Articles 14, 15 and 16 (charging schemes) thereof;

Having regard to the Opinion of the Single Sky Committee;

Whereas:

- (1) An efficient and cost-effective common charging scheme for air navigation services provided during all phases of flight is of the utmost importance for the implementation of the single European sky.
- (2) Pursuant to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the Protocol signed in Brussels on 12 February 1981, as further revised by the Protocol consolidating the EUROCONTROL Convention of 27 June 1997, and the Multilateral Agreement relating to Route Charges of 12 February 1981, EUROCONTROL has established a joint system for the establishment, billing and collection of route charges on behalf of its Contracting Parties.
- (3) Air navigation service providers offer certain facilities and services directly related to the operation of aircraft, the costs of which they should be able to recover according to the "user pays" principle, which is to say that airspace users should pay for the costs they generate at, or as close as possible to, the point of use.
- (4) The common charging scheme should be consistent with "ICAO's policies on charges for airports and air navigation services" and with the EUROCONTROL route charges system and encourage the safe, efficient and cost-effective provision of air navigation services.

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<sup>1</sup> O.J.L. 96, 31.3.2004, p. 1

<sup>2</sup> O.J.L. 96, 31.3.2004, p. 10

- (5) The establishment and imposition of charges on airspace users, following consultation with them, should be fair and transparent and be reviewed by the competent bodies on a regular basis.
- (6) There should be scope for modulating charges that contribute to maximising system-wide capacity and reducing delays. Financial incentives may be a useful way of accelerating the introduction of ground-based or airborne equipment that increases capacity, of rewarding high performance or of offsetting the inconvenience of choosing less desirable routings.
- (7) Charges provide Member States and air navigation service providers with sufficient revenues to meet their public service obligations as well as those under the 1944 Chicago Convention on International Civil Aviation and to comply with the common requirements referred to in Article 6 of the service provision Regulation.
- (8) It is desirable to reinforce the legal means necessary to ensure the prompt and full payment of air navigation charges by airspace users.
- (9) The charging scheme should encourage Member States to organize their airspace into charging volumes that are consistent with air traffic control operations. Moreover, the implementation of the airspace Regulation will lead to the reconfiguration of the airspace into functional airspace blocks, to achieve maximum capacity and efficiency of the air traffic management network. The ultimate goal is that functional airspace blocks should be considered as charging volumes of airspace.
- (10) It is necessary to establish requirements for complete and transparent information to be made available in due time to associations of airspace users and the competent authorities.
- (11) Charges shall not be imposed in such a way as to discourage the use of facilities and services necessary for safety or the introduction of new techniques and procedures.
- (12) The accession of the Community to EUROCONTROL is an important component in the creation of a pan-European airspace. In the implementation of the single European sky, the Community should, where appropriate, develop the highest level of cooperation with EUROCONTROL in order to ensure regulatory synergies and consistent approaches and to avoid any duplication between the two sides.

HAS ADOPTED THIS REGULATION:

## **Article 1** **Scope and objectives**

1. The objectives of this Regulation are to develop a common charging scheme covering all phases of flight, to achieve greater transparency with respect to the determination, imposition and enforcement of charges to airspace users and to provide a framework for incentives and common projects which will encourage the safe, efficient and cost-effective provision of air navigation services.
2. Within the scope of the framework Regulation and of the service provision Regulation, and in accordance with the EUROCONTROL route charges system, this Regulation lays down the rules for the establishment of the full costs of air navigation services, their imposition through air navigation charges in accordance with the economic regulatory regimes adopted by Member States, the strengthening of the legal and administrative recovery of charges, improved transparency and consultation with associations of airspace users, compliance monitoring, mechanisms for the formulation of incentives and the promotion of common projects beneficial to air navigation.
3. The common charging scheme shall apply to air navigation services that are made available for and directly related to general air traffic, in order to ensure the safe and efficient movement of aircraft during all phases of flight. This Regulation shall apply to air navigation services made available at aerodromes with more than 20.000 annual commercial air transport movements and at any aerodrome included in a group as referred to in Article 3(3).

## **Article 2** **Definitions**

For the purpose of this Regulation, the definitions as set out in Article 2 of the framework Regulation, are complemented as follows:

1. “ATM” means Air traffic management. ATM is divided into air traffic services, air traffic flow management and airspace management. Air traffic services comprise air traffic control service (area control service, approach control service, aerodrome control service), flight information service including air traffic advisory service, and alerting service.  
Air traffic management facilities consist of related centres or units, their premises, the equipment, including, where employed, flight and radar processing equipment and the air traffic services personnel used to carry out air traffic management functions.
2. “CNS” means Communication, Navigation and Surveillance systems, including ground and/or satellite-based aeronautical communications (both air-ground and ground-ground), navigation and surveillance systems necessary for safety and regularity of flights.  
CNS consists of all facilities and personnel employed to operate these facilities and provide related services, including maintenance.

3. “MET” means Meteorological services, comprising the services provided in accordance with ICAO provisions in Annexes, Procedures for Air Navigation Services (PANS) and Air Navigation Plan Publications (ANPPs).
4. “AIS” means Aeronautical Information Services that have the objective of ensuring the flow of information necessary for the safety, regularity and efficiency of air navigation.  
Aeronautical information services comprise the staff, facilities and equipment employed to collect, collate, edit, publish and distribute aeronautical information.
5. “EUROCONTROL route charges system” means the system established pursuant to the EUROCONTROL Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as variously amended, and the Multilateral Agreement relating to route charges of 12 February 1981.
6. “EUROCONTROL Conditions of Application of the route charges system and conditions of payment” means the conditions as specified in Document n° 02.60.02, issued by EUROCONTROL.
7. “Common charging scheme” means the enhanced scheme for air navigation services covering all phases of flight, established by this Regulation.
8. “Charging volume of airspace” means a volume of airspace defined in consistency with en route air traffic control operations and services made available to airspace users and for which a single cost-base and a single unit rate are established.
9. "Functional airspace block" means an airspace block based on operational requirements, reflecting the need to ensure more integrated management of the airspace regardless of existing boundaries, established in accordance with the Regulation on the organisation and use of the airspace in the single European sky (“the airspace Regulation”).
10. "General air traffic" means all movements of civil aircraft, as well as all movements of State aircraft (including military, customs and police aircraft) when these movements are carried out in conformity with the procedures of ICAO.
11. “IFR” means Instrument Flight Rules, as defined in ICAO document 4444 “Rules of the air and air traffic services”.
12. “VFR” means Visual Flight Rules, as defined in ICAO document 4444 “Rules of the air and air traffic services”.
13. “Economic regulator” means the individual or body mandated or designated by a Member State to administer its system of economic regulation .
14. “Commercial air transport” means international and domestic air transport services, both scheduled and non-scheduled, which are available to the public for the transportation of passengers, mail and/or freight for remuneration.
15. “Asset base” means the average net book value of fixed assets in operation or under construction and of the average value of the net current assets, for the period 1 January to 31 December.

16. “Rate of return on capital employed” means the weighted average of the return on equity and of the interest rates on debts. The return on equity takes into account the financial risk of providing air navigation services.
17. “MET core services” means supporting meteorological facilities and services that also serve meteorological requirements in general. These include general analysis and forecasting, weather radar and satellite observations, surface and upper-air observation networks, meteorological communication systems, data-processing centres and supporting core research, training and administration.
18. “Air navigation services” means ATM, CNS, AIS and MET services made available either to arriving or departing flights at each aerodrome or within a charging volume of airspace.
19. “International accounting standards” means the accounting standards adopted by Regulation (EC) No 1606/2002 of the European parliament and of the Council of 19 July 2002.<sup>3</sup>

### **Article 3** **Air navigation charges**

1. Air navigation charges shall remunerate the costs of air navigation services, the costs of EUROCONTROL and, in accordance with Article 15(2)(b) of the service provision Regulation, the costs incurred by Member States in relation to the provision of air navigation services. Air navigation charges shall comprise en route air navigation charges and charges for air navigation services made available at aerodromes.
2. Air navigation services made available at aerodromes shall be services exclusively needed for arriving and departing flights. They shall comprise:
  - a) Aerodrome control services, flight information services including air traffic advisory services, and alerting services;
  - b) Final approach services using dedicated resources at aerodrome level;
  - c) Communication, navigation, and surveillance services that are required for landing and take off;
  - d) Local access to aeronautical information, pre-flight information service and, where applicable, the preparation of any aeronautical information relating to this aerodrome;
  - e) MET services exclusively needed to meet aeronautical requirements and comprising meteorological data, observations and reports for the aerodrome air traffic service units, aerodrome and low-level wind shear warnings, aerodrome climatological information, aerodrome forecasts, landing forecasts and forecasts for take-off, aerodrome weather watch, as well as briefing, consultation and access to meteorological information for the benefit of arriving and departing flights.
3. For the purpose of charging for air navigation services made available at aerodromes, Member States may identify one or several groups of aerodromes.

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<sup>3</sup> O.J.L.243, 11.09.2002, p1

4. En route air navigation services shall consist of all air navigation services as referred to in paragraph 1, to the exclusion of those made available at aerodromes to arriving and departing flights, as set out in paragraph 2.
5. For the purpose of charging for en route air navigation services, the airspace falling under a Member State's responsibility shall be organised into one or several charging volumes of airspace.
6. Charging volumes of airspace that extend across the airspace falling under the responsibility of more than one Member State shall be established jointly by the Member States concerned. For this purpose, the Member States concerned shall conclude agreements and shall make all necessary arrangements to ensure compliance with ICAO rules and this Regulation. They shall inform the Commission, EUROCONTROL, ICAO and other Member States accordingly.
7. Member States shall define charging volumes of airspace in consistency with en route air traffic control operations and services.
8. A functional airspace block when established in accordance with Article 5 of the airspace Regulation shall be considered as a charging volume of airspace, unless objective reasons justify otherwise.
9. Member States and air navigation service providers shall consult associations of airspace users before defining and subsequently modifying charging volumes of airspace or groups of aerodromes. Impact assessments on air navigation charges shall be made available by them to associations of airspace users in due time before the consultations. Member States and air navigation service providers shall make public written reports on the outcome of the consultations.

#### **Article 4** **Determination of costs**

1. Air navigation service providers shall establish the annual full costs of each of the following air navigation services:
  - Air traffic management services (ATM);
  - Communication, navigation and surveillance services (CNS);
  - Meteorological services of air navigation (MET);
  - Aeronautical information services (AIS).
2. The full costs of air navigation services shall comprise direct costs and indirect costs, including administrative overheads, training, studies, tests and trials as well as research and development allocated to these services on the basis of transparent methodologies.
3. Costs of non-air navigation services shall be established separately.
4. Member States shall also establish the annual full costs in respect of EUROCONTROL and common projects, the national supervisory authorities and/or recognised organisations, as well as other costs related to regulatory activities, incurred in relation to the provision of air navigation services.

5. The full costs of air navigation services shall comprise staff costs, other operating costs, depreciation costs, cost of capital and exceptional items including non recoverable taxes and custom duties paid. These costs shall be established in compliance with the international accounting standards to the maximum possible extent:
  - a) Staff costs shall include gross remuneration, payments for overtime, employers' contributions to social security schemes as well as pension costs and other benefits;
  - b) Other operating costs shall include costs incurred through the purchase of goods and services used to provide air navigation services. They include outsourced services such as communication, external staff such as consultants, material, energy, utilities, rental of buildings, equipment and facilities, maintenance, insurance costs;
  - c) Depreciation costs shall relate to the total fixed assets in operation for air navigation services purposes. Fixed assets shall be depreciated, in accordance with their expected operating life, using the straight-line method applied to historic costs values;
  - d) Exceptional items are non-recurring costs in relation to the provision of air navigation services that have occurred in the year;
  - e) Cost of capital shall be equal to the product of the rate of return on capital employed and of the asset base that is required for providing air navigation services.
6. Costs shall be established for the period 1 January to 31 December.
7. Air navigation service providers shall operate a cost accounting system in order to fulfil the requirements set out in this Regulation.

**Article 5**  
**Cost allocation**

1. Member States shall allocate among airspace users the annual costs of providing the air navigation services referred to in Article 4.
2. Air navigation service providers shall identify the annual full costs for the provision of:
  - a) Air navigation services made available to arriving and departing flights, at each aerodrome; and
  - b) En route air navigation services made available within each charging volume of airspace.
3. For each aerodrome and for each charging volume of airspace, air navigation service providers shall allocate the costs of air navigation services between services made available to airspace users operating under IFR and those made available to airspace users operating under VFR.
4. Member States shall allocate the costs referred to in Article 4(4) between air navigation services made available at aerodromes and en route air navigation services, as well as between IFR and VFR traffic, as appropriate.
5. Member States shall allocate the portion of the total MET core services costs attributed to civil aviation (where applicable) between air navigation services made available at aerodromes and en route air navigation services, as well as between IFR and VFR traffic. To ensure transparency, Member States shall identify the total MET core services costs, identify all the beneficiaries of MET services to which these costs are allocated and establish the appropriate basis for the allocation.

**Article 6**  
**Charging principles**

1. The costs of air navigation services made available to flights performed under IFR shall be recovered from airspace users by means of:
  - a) A single en route charge per flight, that is the sum of the en route charges accruing for that flight in the different charging volumes of airspace as defined by the Member States, and
  - b) Charges for air navigation services made available to arriving and departing flights, at each aerodrome or group of aerodromes.
2. Charges for en route air navigation services shall be levied as a single charge on the basis of the distance flown within each charging volume of airspace and of the aircraft weight, in accordance with the EUROCONTROL route charges system and the Conditions of Application of the route charges system and conditions of payment. The distance flown and the aircraft weight shall be taken into account by means of a distance factor and of a weight factor, respectively. The number of service units for the flight shall be equal to the product of the distance factor in the charging volume of airspace and of the weight factor. For each charging volume of airspace, the charge shall be equal to the product of the unit rate for the charging volume of airspace and of the number of service units for the flight. En route air navigation charges shall be collected in accordance with the EUROCONTROL route charges system.
3. Charges for air navigation services made available at each aerodrome or group of aerodromes shall be levied as a charge per departing flight, taking account of the aircraft weight by applying the same weight factor as for en route air navigation services. The resulting number of service units for the flight shall be equal to the weight factor. For each departure, the charge shall be equal to the product of the unit rate for the aerodrome in question and of the number of service units for the flight. Member States shall designate the body(s) who will collect the charges for air navigation services made available at aerodromes.
4. Where Member States have not exempted VFR flights in accordance with Article 14, the costs of en route air navigation services made available to flights performed under VFR shall be recovered from airspace users either by means of a charge per flight or by means of an annual charge.
5. Flights performed partly under VFR within a given charging volume of airspace shall be subject to en route air navigation charges levied for IFR flights.

**Article 7**  
**Calculation of unit rates**

1. Member States shall :
  - a) Calculate a yearly unit rate for en route air navigation services for each charging volume of airspace, in accordance with the EUROCONTROL route charges system;
  - b) Ensure that a yearly unit rate is calculated, for each aerodrome or group of aerodromes.
2. Except for services subject to independent economic regulation as referred to in Article 10, the unit rate shall be calculated for each charging volume of airspace and for each aerodrome or group of aerodromes, by dividing the corresponding forecast number of service units into the corresponding forecast full costs for the same year. For the calculation of unit rates, amounts carried over from the previous financial years as a result of differences between actual costs incurred and revenues shall be added to the forecast full costs for the year, to ensure that only actual full costs are eventually recovered.
3. Member States may calculate their unit rates for en route air navigation services in advance for a period not exceeding five years, in accordance with the EUROCONTROL route charges system.
4. Member States availing of the provisions of paragraph 3 above and, where applicable, independent regulators as referred to in Article 10, shall conduct periodic reviews of air navigation charges and shall set in advance, for the chosen period which shall not exceed five years, conditions to determine the level of the unit rate in each year of the period. In the event of exceptional circumstances, an interim adjustment to these conditions may be introduced.
5. Prior to the beginning of each period as referred to in paragraphs 3 and 4 above, or when an interim adjustment is introduced, Member States shall ensure that:
  - a) Adequate information is made available to associations of airspace users to enable them to participate in informed consultation;
  - b) There is appropriate and meaningful consultation between the air navigation service provider and associations of airspace users and, where applicable, the independent regulator, so as to determine sound and justifiable projections and principles to be applied in setting regulatory conditions on the level of the unit rate.

**Article 8**  
**Approval of unit rates**

1. For the purpose of charging for en route air navigation services, Member States shall submit to EUROCONTROL their national unit rates, on an annual basis, for approval, in accordance with the EUROCONTROL route charges system.
2. For the purpose of charging air navigation services made available at aerodromes, Member States shall ensure that, where approval is required, the unit rates are submitted to the competent body for approval in accordance with national requirements.

**Article 9**  
**Incentives**

1. Member States may implement incentive schemes on a non-discriminatory basis to support improvements in the provision of air navigation services, such as increased system-wide capacity and reduction of delays, while maintaining an optimum safety level.
2. Incentive schemes may apply to:
  - a) Air navigation service providers for specific projects or investment approved by the Member States concerned on the basis of a comprehensive economic appraisal taking account of the full costs of the projects or of the investments including restructuring costs and write-off of redundant fixed assets, and taking account of the resulting savings or benefits expected over their operating lives.
  - b) Air navigation service providers, for performances and services delivered within a certain time frame and subject to an independent economic regulation as referred to in Article 10.
  - c) Airspace users with a view to optimising the use of air navigation services, through modulations of air navigation charges.
3. Incentive schemes shall be limited in time, scope and amount. The savings generated by the operational efficiency improvements shall at least offset the cost of incentives within a reasonable timeframe.
4. Member States implementing an incentive scheme shall ensure that:
  - a) Comprehensive and transparent accounting of the incentive scheme has been arranged;
  - b) Both the project or investment and the incentive scheme have been subject to advance, transparent and substantive consultation of associations of airspace users.

5. During the period of application of an incentive scheme, the Member States concerned shall regularly inform associations of airspace users, the Commission and EUROCONTROL on its impact on air navigation charges, on the related investments and on the benefits arising from these investments.

### **Article 10** **Economic oversight**

1. Without prejudice to the EUROCONTROL route charges system, Member States shall be responsible for the economic oversight of the provision of air navigation services in particular with the objectives to:
  - a) Ensure that there is no distortion of competition between air transport undertakings;
  - b) Ensure that there is no abuse of dominant position resulting from monopolies of the provision of air navigation services;
  - c) Ensure the transparency as well as the availability and presentation of the relevant financial and operational data required to determine the basis for charges;
  - d) Ensure the delivery of cost-efficient air navigation services;
  - e) Ensure that targets relating to quality and level of services are met;
  - f) Encourage investments to meet future demand;
  - g) Ensure that the views of associations of airspace users are adequately taken into account through effective consultation.
2. Member States shall ensure the transparency of their own processes by making public their related decisions and the reasons for them, in due time.
3. Where Member States set up an independent economic regulator, separate from air navigation service providers and airspace users, and whose objectives include the provision of incentives through the charging mechanism to encourage an efficient and effective service at the lowest possible cost, Member States shall ensure that the independent regulator has not a conflict of interest in respect to the financial performance of either air navigation service providers or airspace users.
4. Before setting up independent economic regulation or revising the independent regulator's objectives and duties, Member States shall consult air navigation service providers, associations of airspace users, the Commission and EUROCONTROL. Following this consultation, Member States shall publish the independent regulator's objectives and duties.
5. Member States shall ensure that decisions taken pursuant to this Article are properly reasoned and are subject to judicial review.

**Article 11**  
**Common projects**

1. Projects designed to assist specific categories of airspace users and/or air navigation service providers in order to improve collective air navigation infrastructures, the provision of air navigation services and the use of airspace may be partially pre-funded through the EUROCONTROL route charges system in accordance with the relevant provisions of ICAO's policies on charges for airports and air navigation services.
2. Member States shall ensure that such projects are supported by an economic appraisal which will take into account the full cost of the investment and operations, including restructuring costs and write-offs of redundant fixed assets, and of the resulting savings expected over their operating life. To ensure transparency, associations of airspace users shall be consulted on the corresponding investment and operating costs and the expected economic benefits.

**Article 12**  
**Transparency**

1. Member States shall ensure that air navigation service providers prepare annual audited financial statements and accounts reflecting clearly the separation of the air navigation services and non-air navigation services, and explaining the methodology of allocation used.
2. In order to account for the cost of capital, each air navigation service provider shall maintain a file of fixed assets. This file shall be organised in such a manner as to support Member States' economic oversight, consultation with associations of airspace users, performance review and cost allocation.
3. For the purpose of transparency and effective consultation with associations of airspace users on air navigation charges, Member States shall ensure that information is consolidated per charging volume of airspace, as defined in Article 2, and per aerodrome or group of aerodromes, according to the standard template as annexed to this Regulation. This template shall include:
  - a) Historical information on revenues and costs associated with air navigation services as well as explanations on differences between budgeted and actual figures;
  - b) Five-year forecast information on planned costs and services units;
  - c) Planned unit rates including all the supporting information for their calculation;
  - d) Information on the justification for the cost of capital, including the components of the asset base, as listed in Article 4;
  - e) Description of the methods used for allocating costs as set out in Article 5.
4. Information about costs related to air navigation services shall be disclosed separately for each air navigation service provider and broken down according to the services defined in Article 4.

5. This information shall be made available to the Commission, EUROCONTROL and associations of airspace users in due time and in any event before the consultations, as referred to in Article 13.
6. This information shall not be considered as information of a confidential nature as identified in Article 18 of the service provision Regulation. In cases where an external supplier under a contract awarded as a result of a call for tender provides air navigation services, the cost of the contract shall be identified as a single item in the cost base information.
7. Without prejudice to Article 6 of the service provision Regulation, air navigation service providers shall complement the information referred to in this article with appropriate information on their plans to meet projected demand and performance objectives.

**Article 13**  
**Consultation of associations of airspace users**

1. Member States and air navigation service providers shall consult associations of airspace users regarding proposals for changes to the system or to the calculation of the unit rates. The purpose of such consultations is to provide sufficient information to associations of airspace users and to give proper consideration to their views.
2. Member States and air navigation service providers shall consult associations of airspace users on costs, quality and performances of air navigation services. Related data, including actual and forecast costs, revenue and traffic data as disclosed in accordance with Article 12 as well as impact assessments where appropriate, shall be made available to associations of airspace users three weeks before the consultation.
3. Consultations, at national level, with associations of airspace users, when requested by them, shall precede consultations falling within the remit of EUROCONTROL.
4. Member States and air navigation service providers shall provide associations of airspace users with, and make public, written reports on consultations at national level, which shall explain or justify the decisions taken following consultation.

**Article 14**  
**Exemptions**

1. Exemptions from the payment of en route air navigation charges shall be those set out in the EUROCONTROL Conditions of Application of the route charges system and conditions of payment.
2. Member States may exempt certain categories of flights from the payment of charges for air navigation services made available at aerodromes.
3. The costs incurred in respect of exempted IFR flights shall be calculated on the basis of the service units generated by them and of the applicable unit rates.
4. Transparent arrangements shall be made for the payment to air navigation service providers for the cost of exemptions that are granted by the Member States.
5. Air navigation service providers shall publish the costs of exempted flights and the related payments received.

**Article 15**  
**Enforcement of payment of charges**

1. Member States shall establish enforcement measures in order to ensure prompt and full payment of air navigation charges by airspace users.
2. To this effect, and without prejudice to measures provided for in the EUROCONTROL route charges system which permit, in particular, the detention of aircraft and the denial of the provision of air navigation services in the airspace under their responsibility, Member States shall adopt rules for the withdrawal of air navigation services on the ground, to prevent the departure of aircraft operated by airspace users who are in arrears of payment of charges.
3. The Member State or the air navigation service provider, as the case may be, shall act upon the request of EUROCONTROL in respect of the recovery of air navigation charges. Member States shall inform EUROCONTROL on the measures available, and on the recovery actions taken at the request of EUROCONTROL.

**Article 16**  
**Compliance monitoring**

1. The Commission shall endeavour to make use of EUROCONTROL for the assessment and compliance monitoring of the Member States with this Regulation, in accordance with the EUROCONTROL route charges system.
2. The Member States concerned shall provide their full cooperation for the accomplishment of this task.
3. The report on compliance monitoring shall be sent by EUROCONTROL to the Commission for appropriate action.

**Article 17**  
**Entry into force**

This Regulation shall enter into force on the 20<sup>th</sup> day following that of its publication in the Official Journal of the European Union and shall apply from 1<sup>st</sup> January 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [date]

For the Commission

[name of Commissioner]

[Member of the Commission]

- end -

## **STANDARD TEMPLATE**

### **Article 12(3)**

**State(s) :**

**Charging volume of airspace/aerodrome/group of aerodromes:**

**Issued by:**

*For the purpose of transparency and effective consultation with associations of airspace users on air navigation charges, in accordance with Article 12(3), Member States shall consolidate information per charging volume of airspace, as defined in Article 4, and per aerodrome or group of aerodromes, according to this standard template.*

*Templates shall be accompanied by comments explaining the submitted figures, the calculation of the cost of capital and the methodologies of allocation used. Other supporting documents including Published accounts and reconciliations between Published accounts and submitted figures shall be made available on request. Detailed financial information at air navigation service provider level, including that provided for performance review, shall complement these data.*

**Table n°1-# : UNIT RATE CALCULATION**  
Per charging volume of airspace/aerodrome/group of aerodromes

	(n-2) A	(n-1) A	(n) A	(n+1) F	(n+2) F	(n+3) P	(n+4) P	(n+5) P	(n+6) P
<b>Unit rate ( in euros)</b>									
(a) Total costs (1) excl. Eurocontrol costs % i/i-1									
(b) Eurocontrol costs % i/i-1									
(c) Costs VFR (2) % i/i-1									
(d) IFR cost-base = (a)+(b)-(c) % i/i-1									
(e) Amounts carried-over to year i % i/i-1									
(f) Total IFR service units (3) % i/i-1									
(g) Unit Rate = [(d)-(e)] / (f) % i/i-1									

(1) As presented in national currency in Table(s) 2

(2) Costs allocated to VFR flights that are not charged like IFR flights

(3) Including service units in respect of VFR flights charged like IFR flights

<b>Unit rate ( in national currency)</b>									
(h) Exchange rate (1 EUR=) % i/i-1									
(i) Unit Rate % i/i-1									

<b>Balance to be carried over ( in national currency)</b>									
(j) Charges billed to users % i/i-1									
(k) Costs for exempted IFR flights % i/i-1									
(l) IFR cost-base = (d)*(h) % i/i-1									
(m) Amounts carried-over to year i = (e)*(h) % i/i-1									
(n) Balance of year i = (j)+(k)- [(l)-(m)] % i/i-1									

**Table n°2-# : TOTAL COSTS (excluding EUROCONTROL costs)  
Per charging volume of airspace/aerodrome**

**Charging volume of airspace volume/aerodrome-#:**

	(n-2) A	(n-1) A	(n) A	(n+1) F	(n+2) F	(n+3) P	(n+4) P	(n+5) P	(n+6) P
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**By nature (in national currency)**

Staff	% i/i-1								
Other Operating Costs	% i/i-1								
Depreciation	% i/i-1								
Cost of Capital	% i/i-1								
Exceptional items	% i/i-1								
Total costs	% i/i-1								

**By service (in national currency)**

ATM	% i/i-1								
CNS	% i/i-1								
AIS	% i/i-1								
MET (1)	% i/i-1								
MET core services	% i/i-1								
Other States costs (2)	% i/i-1								
Total costs	% i/i-1								

(1) MET services exclusively needed to meet aeronautical requirements, core services excluded

(2) National supervisory authorities and/or other recognised organisations, other costs incurred by the State(s)

	(n-2) A	(n-1) A	(n) A	(n+1) F	(n+2) F	(n+3) P	(n+4) P	(n+5) P	(n+6) P
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**Complementary information on the cost of capital (in national currency)**

Average operating capital	% i/i-1								
Of which, average long term assets	% i/i-1								
Cost of capital before tax (%)	% i/i-1								

**Table n°3-# : Commentary**  
**Per charging volume of airspace/aerodrome**

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