

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Decisions of the enlarged Commission -

DECISION No. 109

amending the Conditions of Application of the Route Charges System and Conditions of Payment

THE ENLARGED COMMISSION,

Having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation amended at Brussels on 12 February 1981, and in particular Article 5.2 thereof;

Having regard to the Multilateral Agreement relating to Route Charges, dated 12 February 1981, and in particular Articles 3.2 (e), 3.2 (f) and 6.1(a) thereof;

Having regard to the Conditions of Application of the Route Charges System, hereinafter referred to as the "Conditions of Application";

On the proposal of the enlarged Committee and the Provisional Council;

HEREBY TAKES THE FOLLOWING DECISION:

Article 1

Article 1.5 of the Conditions of Application shall be replaced by the following:

"The person liable to pay the charge shall be the person who was the operator of the aircraft at the time when the flight was performed. The ICAO designator or any other recognised designator in the identification of the flight may be used to identify the operator of the aircraft."

Article 2

New Article 1.6 of the Conditions of Application shall read:

"If the identity of the operator is not known, the owner of the aircraft shall be regarded as the operator unless he proves which other person was the operator."

Article 3

Article 6.3 of the Conditions of Application shall be replaced by the following:

"Where, however, an operator has indicated to EUROCONTROL - by the last working day of the calendar month in which its aircraft fleet changed and at least annually - that it operates two or more aircraft which are different versions of the same type, the average of the maximum take-off weights of all its aircraft of that type shall be taken for the calculation of the weight factor for each aircraft of that type. The calculation of this factor per aircraft type and per operator shall be effected at least once a year."

Article 4

Article 7.2 of the Conditions of Application shall be replaced by the following:

"Unless decided differently by the Contracting State(s) concerned, the unit rate of charge for a charging zone for which the euro is not the national currency shall be recalculated monthly by applying the average monthly rate of exchange between the euro and the national currency for the month preceding the month during which the flight takes place. The exchange rate applied shall be the monthly average of the "Closing Rate" calculated by Reuters based on daily BID rate."

Article 5

Article 9 of the Conditions of Application shall be replaced by the following:

"The charge shall be payable at EUROCONTROL's Headquarters, in accordance with the Conditions of Payment set out in Annex 2. The currency of account used shall be the euro.

Where a debtor has not paid the amount due, measures may be taken to enforce recovery in accordance with applicable law."

Article 6

The list of en route charging zones in Annex 1 of the Conditions of Application shall be automatically updated once a Contracting State has been integrated into the Route Charges System.

Article 7

The decision shall enter into force on the date of its signature.

Done at Brussels on **20. 05. 11**

For the President of the Commission,

G. MIHAJLOVSKI
Vice-President of the Commission