

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Decision of the enlarged Commission -

DECISION N° 43

relating to the amendment of the Conditions of Application of the Route Charges System and Conditions of Payment

THE PERMANENT COMMISSION FOR THE SAFETY OF AIR NAVIGATION, ENLARGED TO INCLUDE THE REPRESENTATIVES OF NON-MEMBER STATES OF THE ORGANISATION PARTICIPATING IN THE ROUTE CHARGES SYSTEM,

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 3.1 (a), 3.2 (e) and 6.1 thereof;

Having regard to the Conditions of Application of the Route Charges System and to Annex 3 thereof (Conditions of Payment);

On the proposal of the enlarged Committee,

HEREBY TAKES THE FOLLOWING DECISION:

Article 1

Article 5 of the Conditions of Application of the Route Charges System shall be replaced by the following:

- "1. The distance factor (d_j) shall be obtained by dividing by one hundred (100) the number of kilometres in the great circle distance between:
- the aerodrome of departure within, or the point of entry into, the airspace of the Flight Information Regions falling within the competence of the Contracting State (i)
- and
- the aerodrome of first destination within, or the point of exit from, that airspace.

The aforesaid entry and exit points shall be the points at which the lateral limits of the said airspace are crossed by the route described in the flight plan. This flight plan incorporates any changes made by the operator to the flight plan initially filed as well as any changes approved by the operator resulting from air traffic flow management measures.

2. The distance to be taken into account shall be reduced by twenty (20) kilometres for each take-off from and for each landing on the territory of a Contracting State.”

Article 2

Paragraph 1 of Article 7 of the Conditions of Application of the Route Charges System shall be replaced by the following:

- “1. Unless decided differently by a Contracting State, the unit rate of charge shall be recalculated monthly by applying the average monthly rate of exchange between the ECU and the national currency for the month preceding the month during which the flight takes place.”

Article 3

Article 8 of the Conditions of Application of the Route Charges System shall be revoked.

Article 4

Article 9 of the Conditions of Application of the Route Charges System shall be re-numbered Article 8.

Article 5

Paragraph 1.d of Article 8 (formerly Article 9) of the Conditions of Application of the Route Charges System shall be replaced by the following:

- “d. flights performed exclusively for the transport, on official mission, of the reigning Monarch and his/her immediate family, Heads of State, Heads of Government, and Government Ministers. In all cases, this must be substantiated by the appropriate status indicator on the flight plan;”

Article 6

Paragraph 2.b of Article 8 (formerly Article 9) of the Conditions of Application of the Route Charges System shall be replaced by the following:

- "b. training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of cockpit flight crew, and where this is substantiated by an appropriate remark on the flight plan. Flights must be performed solely within the airspace of the State concerned; flights must not serve for the transport of passengers and/or cargo, nor for positioning or ferrying of the aircraft;"

Article 7

Article 10, of the Conditions of Application of the Route Charges System, which is re-numbered Article 9, 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 ECU."

Article 8

Article 11, which is re-numbered Article 10, shall be replaced by the following:

"The Conditions of Application of the Route Charges System and the unit rates shall be published by the Contracting States."

Article 9

The current Annex 2 to the Conditions of Application is revoked. Annex 3 (the Conditions of Payment) becomes Annex 2.

Article 10

Clause 5.1 of the Conditions of Payment shall be replaced by the following:

- "1. Claims against bills must be submitted to EUROCONTROL in writing. The latest date by which claims must be received by EUROCONTROL shall be shown on the bill and is 60 days from the date of the bill."

This amendment comes into effect on 1 April 1998; all other amendments come into effect on 1 January 1998.

Done at Brussels on **9. 12. 97**



Süreyya Yücel ÖZDEN
President of the enlarged Commission