EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Decisions of the enlarged Commission -

DECISION N°46

relating to the amendment of 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) and 6.1 (a) thereof;

Having regard to the Conditions of Application of the Route Charges System and to Annex 2 thereof (Conditions of Payment);

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

HEREBY TAKES THE FOLLOWING DECISION:

Sole Article

The attached consolidated version of the Conditions of Application of the Route Charges System and Conditions of Payment is hereby approved.

These amendments come into effect on the first day of the month following the date of the present decision.

Done at Brussels on 07.05.98

C. EINEM
President of the Commission
CONDITIONS OF APPLICATION OF THE ROUTE CHARGES SYSTEM AND CONDITIONS OF PAYMENT
CONDITIONS OF APPLICATION OF THE
ROUTE CHARGES SYSTEM
AND
CONDITIONS OF PAYMENT

[Text framed in pursuance of the Multilateral Agreement relating to Route Charges, in particular Articles 3.2 and 6 thereof. The latest amendments were approved by the enlarged Commission on.]

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Printed 1998

(This version supersedes the February 1998 edition No. 98.60.02)
CONDITIONS OF APPLICATION OF THE ROUTE CHARGES SYSTEM

ARTICLE 1

1. A charge shall be levied for each flight performed under Instrument Flight Rules (IFR flight) in accordance with the procedures laid down in application of the Standards and Recommended Practices of the International Civil Aviation Organization in the airspace of the Flight Information Regions listed in Annex 1, falling within the competence of the Contracting States. Furthermore, in the Flight Information Regions which fall within its competence, a Contracting State may decide that a charge be levied on any flight performed under Visual Flight Rules (VFR flight). Flights performed partly under Visual Flight Rules and partly under Instrument Flight Rules (mixed VFR/IFR flights) in the Flight Information Regions falling within the competence of a given Contracting State are subject, for the entire distance flown within the said Flight Information Regions, to charges levied in that State for IFR flights.

2. The charge shall constitute remuneration for the costs incurred by Contracting States in respect of en route air navigation facilities and services and the operation of the Route Charges System, and for the costs incurred by EUROCONTROL in operating the System.

3. The charges generated in the airspace of the Flight Information Regions falling within the competence of a Contracting State may be subject to value added tax (VAT). EUROCONTROL may, in that case, recover the said tax under the conditions and in accordance with the rules agreed with the State concerned.

4. 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. 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 2

For each flight entering the airspace of the Flight Information Regions falling within the competence of several Contracting States, a single charge \( R \) shall be collected equal to the sum of the charges accruing in respect of that flight in the airspace of the Flight Information Regions falling within the competence of the individual States concerned:

\[
R = \sum_{n} r_i
\]

The individual charge \( r_i \) for flights in the airspace falling within the competence of a Contracting State shall be calculated in accordance with the provisions of Article 3.
ARTICLE 3

The charge for a flight in the airspace of the Flight Information Regions falling within the competence of a given Contracting State (I) shall be calculated in accordance with the following formula:

\[ r_i = t_i \times N_i \]

where \( r_i \) is the charge, \( t_i \) the unit rate of charge and \( N_i \) the number of service units corresponding to such a flight. The unit rates may, where appropriate, be set separately for VFR and IFR flights.

ARTICLE 4

For a given flight, the number of service units, designated \( N_i \), referred to in the foregoing Article shall be obtained by means of the following formula:

\[ N_i = d_i \times p \]

where \( d_i \) is the distance factor in respect of the airspace of the Flight Information Regions falling within the competence of the Contracting State (I) and \( p \) the weight factor for the aircraft concerned.

ARTICLE 5

1. The distance factor \( (d_i) \) 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 6

1. The weight factor shall be the square root of the quotient obtained by dividing by fifty (50) the number of metric tons in the maximum certificated take-off weight of the aircraft as shown in the certificate of airworthiness, the flight manual or any other equivalent official document, as follows:

\[ p = \sqrt{\frac{\text{Max. take-off weight}}{50}} \]

Where the maximum certificated take-off weight of the aircraft is not known to the bodies responsible for the collection of the charge, the weight factor shall be calculated by taking the weight of the heaviest aircraft of the same type known to exist.

2. Where, however, an operator has indicated to the bodies responsible for the collection of the charge that he operates two or more aircraft which are different versions of the same type, the average of the maximum take-off weights of all his 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.

3. For the purpose of calculating the charge, the weight factor shall be expressed as a figure taken to two decimal places.

ARTICLE 7

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.

2. The exchange rate applied shall be the monthly average of the “Closing Cross Rates” calculated by Reuters based on daily BID rates.

ARTICLE 8

1. The following flights shall be exempt from the payment of charges:

a. mixed VFR/IFR flights shall be exempt only in the airspace of the Flight Information Regions falling within the competence of the Contracting State or States where they are performed exclusively under VFR and where a charge is not levied for VFR flights;

b. flights terminating at the aerodrome from which the aircraft has taken off and during which no intermediate landing has been made (circular flights);
c. flights performed by aircraft of which the Maximum Take-Off Weight Authorised is less than two (2) metric tons;

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.

e. search and rescue flights authorised by a competent SAR body.

2. Furthermore, a Contracting State may, in respect of the Flight Information Regions falling within its competence, exempt the following from payment of the charge:

a. military flights of any State;

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;

c. flights performed exclusively for the purpose of checking or testing equipment used or intended to be used as ground aids to air navigation.

ARTICLE 9

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 10

The Conditions of Application of the Route Charges System and the unit rates shall be published by the Contracting States.
## ANNEX 1

### FLIGHT INFORMATION REGIONS

**Contracting States**

<table>
<thead>
<tr>
<th>Contracting State</th>
<th>FLIGHT INFORMATION REGIONS</th>
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<tbody>
<tr>
<td>Federal Republic of Germany</td>
<td>Berlin Upper Flight Information Region</td>
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### REGIONS D'INFORMATION DE VOL

**Etats contractants**

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Kingdom of Spain

Madrid Upper Flight Information Region
Madrid Flight Information Region
Barcelona Upper Flight Information Region
Barcelona Flight Information Region
Islas Canarias Upper Flight Information Region
Islas Canarias Flight Information Region

Royaume d'Espagne

Région supérieure d'information de vol Madrid
Région d'information de vol Madrid
Région supérieure d'information de vol Barcelone
Région d'information de vol Barcelone
Région supérieure d'information de vol Iles Canaries
Région d'information de vol Iles Canaries

French Republic

France Upper Flight Information Region
Paris Flight Information Region
Brest Flight Information Region
Bordeaux Flight Information Region
Marseille Flight Information Region
Reims Flight Information Region

République française

Région supérieure d'information de vol France
Région d'information de vol Paris
Région d'information de vol Brest
Région d'information de vol Bordeaux
Région d'information de vol Marseille
Région d'information de vol Reims

United Kingdom of Great Britain and Northern Ireland

Scottish Upper Flight Information Region
Scottish Flight Information Region
London Upper Flight Information Region
London Flight Information Region

Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

Région supérieure d'information de vol Scottish
Région d'information de vol Scottish
Région supérieure d'information de vol Londres
Région d'information de vol Londres

Hellenic Republic

Athinai Upper Flight Information Region
Athinai Flight Information Region

République hellénique

Région supérieure d'information de vol Athènes
Région d'information de vol Athènes

Republic of Hungary

Budapest Flight Information Region

République de Hongrie

Région d'information de vol Budapest

Ireland

Shannon Upper Flight Information Region
Shannon Flight Information Region
Shannon Oceanic Transition Area enclosed by the following co-ordinates: 51°North 15°West, 51°North 8°West, 48°30' North 8°West, 49°North 15°West, 51°North 15°West at and above FL55

Irlande

Région supérieure d'information de vol Shannon
Région d'information de vol Shannon
Région de transition océanique de Shannon délimitée par les coordonnées ci-après: 51°Nord 15°Ouest, 51°Nord 8°Ouest, 48°30 Nord 8°Ouest, 49°Nord 15°Ouest, 51°Nord 15°Ouest au niveau de vol 55 et au-dessus
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Ljubljana Flight Information Region

Région d'information de vol Ljubljana

Royaume de Suède
Région supérieure d'information de vol Malmö
Région supérieure d'information de vol Stockholm
Région supérieure d'information de vol Sundsvall
Région d'information de vol Malmö
Région d'information de vol Stockholm
Région d'information de vol Sundsvall

Swiss Confederation
Switzerland Upper Flight Information Region
Switzerland Flight Information Region

Confédération suisse
Région supérieure d'information de vol Suisse
Région d'information de vol Suisse

Czech Republic
Praha Flight Information Region

République tchèque
Région d'information de vol Praha

Republic of Turkey
Ankara Flight Information Region
Istanbul Flight Information Region

République de Turquie
Région d'information de vol Ankara
Région d'information de vol Istanbul
CONDITIONS OF PAYMENT

CLAUSE 1

1. The amounts billed shall be payable at EUROCONTROL's Headquarters in Brussels.

2. EUROCONTROL will nevertheless consider payment into the accounts opened in its name with banking establishments in the Contracting or other States designated by the competent bodies of the Route Charges System as a discharge of the payer's liability.

3. The amount of the charge is due on the date of performance of the flight. The latest value date by which payment must be received by EUROCONTROL shall be shown on the bill and is 30 days from the date of the bill.

CLAUSE 2

1. Except as provided in paragraph 2 of this clause, the amount of the charge shall be paid in ECU.

2. Any user who is a national of a Contracting State may, whenever payment is made by him into a designated banking establishment situated in the State of which he is a national, discharge the debt in the convertible currency of that State.

3. Where a user avails himself of the facility referred to in the foregoing paragraph, the conversion into national currency of the ECU amount shall be effected at the daily exchange rates used for commercial transactions for the value date and place of payment.

CLAUSE 3

Payment shall be deemed to have been received by EUROCONTROL on the value date on which the amount due was credited into a designated bank account of EUROCONTROL. The value date shall be the date on which EUROCONTROL can use the funds.

CLAUSE 4

1. Payments shall be accompanied by a statement giving the references, dates and ECU amounts in respect of bills paid and of any credit notes deducted. The requirement to show the amounts of bills in ECU shall apply also to users availing themselves of the facility to pay in national currency.
2. Where a payment is not accompanied by the details specified in paragraph 1 above so as to allow its application to a specific bill or bills, EUROCONTROL will apply the payment:
   
   - first to interest, and then
   - to the oldest bills unpaid.

CLAUSE 5

1. Claims against bills must be submitted to EUROCONTROL in writing or by an electronic medium previously approved by EUROCONTROL. 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 1.

2. The date of submission of claims shall be the date on which the claims are received by EUROCONTROL.

3. Claims must be detailed and should be accompanied by any relevant supporting evidence.

4. Submission of a claim by a user shall not entitle him to make any deduction from the relevant bill unless so authorised by EUROCONTROL.

5. Where EUROCONTROL and a user are mutually debtor and creditor no compensation payments shall be effected without EUROCONTROL's prior agreement.

CLAUSE 6

1. Any charge which has not been paid by the latest date for payment shall be increased by the addition thereto of interest at a rate decided by the competent bodies and published by the Contracting States, in accordance with Article 10 of the Conditions of Application. The interest, entitled Interest on Late Payment, shall be simple interest calculated from day to day on the unpaid overdue amount.

2. The interest will be calculated and billed in ECU.

CLAUSE 7

Where a debtor has not paid the amount due, measures may be taken to enforce recovery.

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1 effective from 1 April 1998