

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,

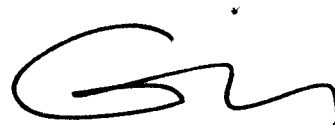
HEREBY TAKES THE FOLLOWING DECISION:

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**

**EUROPEAN ORGANISATION FOR THE SAFETY OF AIR  
NAVIGATION**

**EUROCONTROL**

**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.]

**Doc. No 98.60.02/1**

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.

**FLIGHT INFORMATION REGIONS****REGIONS D'INFORMATION DE VOL**Contracting StatesEtats contractantsFederal Republic of GermanyRépublique Fédérale d'Allemagne

Berlin Upper Flight Information Region  
 Hannover Upper Flight Information Region  
 Rhein Upper Flight Information Region  
 Bremen Flight Information Region  
 Düsseldorf Flight Information Region  
 Frankfurt Flight Information Region  
 München Flight Information Region  
 Berlin Flight Information Region

Région supérieure d'information de vol Berlin  
 Région supérieure d'information de vol Hanovre  
 Région supérieure d'information de vol Rhin  
 Région d'information de vol Brême  
 Région d'information de vol Düsseldorf  
 Région d'information de vol Francfort  
 Région d'information de vol Munich  
 Région d'information de vol Berlin

Republic of AustriaRépublique d'Autriche

Wien Flight Information Region

Région d'information de vol Vienne

Kingdom of Belgium-Grand Duchy of LuxembourgRoyaume de Belgique-Grand Duché de Luxembourg

Bruxelles Upper Flight Information Region  
 Bruxelles Flight Information Region

Région supérieure d'information de vol Bruxelles  
 Région d'information de vol Bruxelles

Republic of BulgariaRépublique de Bulgarie

Sofia Flight Information Region  
 Varna Flight Information Region

Région d'information de vol Sofia  
 Région d'information de vol Varna

Republic of CyprusRépublique de Chypre

Nicosia Flight Information Region

Région d'information de vol Nicosie

Republic of CroatiaRépublique de Croatie

Zagreb Flight Information Region  
 Zagreb Upper Flight Information Region

Région d'information de vol Zagreb  
 Région supérieure d'information de vol Zagreb

Kingdom of DenmarkRoyaume du Danemark

København Flight Information Region

Région d'information de vol Copenhague



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 Canarias  
 Région d'information de vol Iles Canarias

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

Italian Republic

Milano Upper Flight Information Region  
 Milano Flight Information Region  
 Roma Upper Flight Information Region  
 Roma Flight Information Region  
 Brindisi Upper Flight Information Region  
 Brindisi Flight Information Region

République italienne

Région supérieure d'information de vol Milan  
 Région d'information de vol Milan  
 Région supérieure d'information de vol Rome  
 Région d'information de vol Rome  
 Région supérieure d'information de vol Brindisi  
 Région d'information de vol Brindisi

Republic of Malta

Malta Flight Information Region

République de Malte

Région d'information de vol Malte

Principality of Monaco

p.m.  
 (Marseille Flight Information Region)

Principauté de Monaco

p.m.  
 (Région d'information de vol de Marseille)

Kingdom of Norway

Oslo Upper Flight Information Region  
 Stavanger Upper Flight Information Region  
 Trondheim Upper Flight Information Region  
 Bodø Upper Flight Information Region  
 Oslo Flight Information Region  
 Stavanger Flight Information Region  
 Trondheim Flight Information Region  
 Bodø Flight Information Region  
 Bodø Oceanic Flight Information Region

Royaume de Norvège

Région supérieure d'information de vol Oslo  
 Région supérieure d'information de vol Stavanger  
 Région supérieure d'information de vol Trondheim  
 Région supérieure d'information de vol Bodø  
 Région d'information de vol Oslo  
 Région d'information de vol Stavanger  
 Région d'information de vol Trondheim  
 Région d'information de vol Bodø  
 Région d'information de vol océanique Bodø

Kingdom of the Netherlands

Amsterdam Flight Information Region

Royaume des Pays-Bas

Région d'information de vol Amsterdam

Portuguese Republic

Lisboa Upper Flight Information Region  
 Lisboa Flight Information Region  
 Santa Maria Flight Information Region

République portugaise

Région supérieure d'information de vol Lisbonne  
 Région d'information de vol Lisbonne  
 Région d'information de vol Santa Maria

Romania

Bucuresti Flight Information Region

Roumanie

Région d'information de vol Bucarest

Slovak Republic

Bratislava Flight Information Region

République slovaque

Région d'information de vol Bratislava

Republic of Slovenia

Ljubljana Flight Information Region

République de Slovénie

Région d'information de vol Ljubljana

Kingdom of Sweden

Malmö Upper Flight Information Region  
 Stockholm Upper Flight Information Region  
 Sundsvall Upper Flight Information Region  
 Malmö Flight Information Region  
 Stockholm Flight Information Region  
 Sundsvall Flight Information Region

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 PAYMENTCLAUSE 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 <sup>1</sup>.
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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<sup>1</sup> effective from 1 April 1998