

L.N. 222 of 1997

**EUROCONTROL ACT
(CAP. 333)**

**Civil Aviation (Route Charges for Navigation Services)
(Amendment) Regulations, 1997**

IN exercise of the powers conferred by section 6 of the Eurocontrol Act, the Minister for Transport and Ports, with the concurrence of the Minister of Finance and Customs, has made the following regulations:—

1. (1) These regulations may be cited as the Civil Aviation (Route Charges for Navigation Services) (Amendment) Regulations, 1997 and shall be read and construed as one with the Civil Aviation (Route Charges for Navigation Services) Regulations, 1989, hereinafter referred to as “the principal regulations”. Citation and commencement.
L.N. 168 of 1989.

(2) These regulations shall come into force on 1st January, 1998.

2. For paragraph (2) of regulation 2 of the principal regulations there shall be substituted the following: Amends regulation 2 of the principal regulation.

L.N. 176 of 1990. “(2) Expressions used in these regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Order, 1990.”

3. Immediately after paragraph (3) of regulation 4 of the principal regulations, there shall be added the following new paragraphs: Amends regulation 4 of the principal regulations.

“(4) The latest date by which payment is to be received by Eurocontrol shall be shown on the bill and shall be 30 days from the date of the bill.

(5) Any charge which has not been paid by the latest date for payment shall be increased by the addition thereto of interest at the rate specified in the First Schedule to these regulations. Such interest, to be known as Interest on Late Payment, shall be simple interest calculated from day to day on the unpaid overdue amount, and shall be calculated and billed in ECU.”

Substitutes
regulation 5 of the
principal
regulations.

4. For regulation 5 of the principal regulations there shall be substituted the following:

"Calculation
of the charge

5. (1) The charge shall be calculated in European Currency Unit according to the following formula:—

$$r = N \times U$$

where r is the charge for the flight, N is the number of service units relating to that flight and U is the appropriate unit rate specified in column 3 of the Second Schedule to these regulations. 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 during which the flight takes place. The exchange rate applied shall be the Monthly Average of the "Closing Cross Rate" calculated by Reuters based on daily BID rate.

(2) For the purpose of the preceding paragraph, the number of service units relating to a flight shall be calculated in accordance with the following formula:—

$$N = d \times p$$

where d is the distance factor for the flight in the specified airspace and p is the weight factor for the aircraft concerned.

(3) For the purpose of the preceding paragraph, the distance factor (d) 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 specified airspace

and

- the aerodrome of first destination within, or the point of exit from, that airspace.

The aforesaid entry and exit point shall be the points at which the lateral limits of the specified 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.

The distance to be taken into account shall be reduced by twenty (20) kilometres for each landing and take-off in the specified airspace and shall be expressed to two places of decimals.

(4) For the purpose of the preceding paragraph, the weight factor (p) 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 and shall be expressed to two places of decimals.

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 heaviest aircraft of the same type known to exist.

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."

5. For regulations 6 and 7 of the principal regulations there shall be substituted the following:—

Substitution
regulations 6 and 7
of the principal
regulations.

"Exempt
flights.

6. These regulations shall not apply to the following flights:—

- (i) flights by military aircraft of a Member State;
- (ii) flights made for the purposes of search and rescue operations;
- (iii) flights performed under Visual Flight Rules; mixed Visual Flight Rules/Instrument Flight Rules flights shall be exempted only if the part of the flight in the specified airspace is performed exclusively under Visual Flight Rules;
- (iv) flights terminating at the aerodrome from which the aircraft has taken off;
- (v) 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;

(vi) 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 specified airspace and must not serve for the transport of passengers and/or cargo, nor for positioning or ferrying of the aircraft;

(vii) flights performed by aircraft of which the Maximum Take-Off Weight Authorised is less than two metric tons.”.

Substitutes the
Schedule to the
principal
regulations.

7. For the Schedule to the principal regulations there shall be substituted the following:—

“FIRST SCHEDULE

(Regulation 4(5))

The rate of interest on late payment shall be 7.73 per cent per annum.

SECOND SCHEDULE

(Regulation 5(1))

(1)	(2)	(3)	(4)
Country	Publication in which FIR is described	Unit rate in ECU	Established at the Average September 1997 rate of Exchange of
Malta	Malta AIP	34.56	ECU 1 = Lm0.435052”.