

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,489, 27 ta' Ottubru, 2015
Taqsimha B

L.N. 348 of 2015

**EUROCONTROL ACT
 (CAP. 333)**

**Civil Aviation (Terminal Charges for Navigation Services)
 Regulations, 2015**

IN EXERCISE of the powers conferred by article 6 of the EUROCONTROL Act, the Minister responsible for Transport has made the following regulations:-

1. (1) The title of these regulations is the Civil Aviation (Terminal Charges for Navigation Services) Regulations, 2015. Citation and commencement.

(2) These regulations shall apply as from 1st January 2015.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"EUROCONTROL" has the same meaning assigned to it by the EUROCONTROL Act; Cap. 333.

"IFR" means Instrument Flight Rules.

(2) Expressions used in these regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Order. S.L. 499.09

3. (1) Subject to the provisions of these regulations, the operator of an aircraft shall pay to EUROCONTROL a terminal charge, hereinafter referred to as "the charge", in respect of IFR flights departing from Malta International Airport in accordance with the procedures laid down in application of the Standards and Recommended Practices of the International Civil Aviation Organisation. Charges to be paid to EUROCONTROL.

(2) The charge shall constitute remuneration for the costs incurred by Malta Air Traffic Services Limited in respect of terminal 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) EUROCONTROL shall assess and collect the charge due and reimburse Malta Air Traffic Services Limited in accordance with the applicable rules.

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(4) If EUROCONTROL is unable, after taking reasonable steps, to ascertain who the operator is, it may give notice to the owner of the aircraft that it will treat him as the operator until he establishes to the reasonable satisfaction of EUROCONTROL that some other person is the operator; and from the time when notice is given EUROCONTROL shall be entitled, for as long as the owner is unable to establish as aforesaid that some other person is the operator, to treat the owner as if he were the operator, and for that purpose the provisions of these regulations, other than this sub-regulation, shall apply to the owner of the aircraft.

Calculation of
the charge.

4. The charge, R, shall be calculated in accordance with the following formula:

$$R = t \times N$$

where t is the unit rate of charge and N is the number of service units corresponding to terminal air navigation services made available.

The unit rate t shall be calculated by dividing the forecast number of total terminal service units for the relevant year into the corresponding cost-base for terminal services.

The unit rate of charge t shall be set for a calendar year.

For a given departing flight, the number of service units in respect of the terminal charge, designated N, shall be the quotient obtained by dividing by fifty the Maximum Take-off Weight, expressed in metric tons, which is used for calculating the EUROCONTROL route charge for the flight concerned, to the power of 0.7.

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

Payment.

5. (1) The amount of the charge shall be payable to EUROCONTROL at its principal office in Brussels and shall be paid in Euro.

(2) The amount of the charge is due on the date of the performance of the flight. The latest value date by which payment is to be received by EUROCONTROL shall be shown on the bill and shall be thirty days from the date of the bill.

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

(4) 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 Second Schedule. Such interest, entitled 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 Euro.

(5) Where a charge remains unpaid, measures may be taken to enforce recovery.

6. (1) Claims against bills must be submitted to EUROCONTROL in writing or by an electronic medium previously approved by EUROCONTROL. They must be detailed and should be accompanied by any relevant supporting evidence. Claims.

(2) The latest date by which claims must be received by EUROCONTROL shall be shown on the bill and is sixty days from the date of the bill. The date of submission of claims shall be the date on which claims are received by EUROCONTROL.

(3) Submission of a claim by a user shall not entitle him to make any deduction from the relevant bill unless so authorized by EUROCONTROL and no compensation payments shall be effected without EUROCONTROL's prior agreement where EUROCONTROL and a user are mutually debtor and creditor.

7. These regulations shall not apply to the following flights: Exempt flights.

- (a) flights by military aircraft of any State;
- (b) flights authorised by a competent Search and Rescue body for search and rescue operations;
- (c) flights performed under Visual Flight Rules;
- (d) mixed Visual Flight Rules/Instrument Flight Rules flights if the part of the flight in the specified airspace is performed exclusively under Visual Flight Rules;
- (e) 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 or remark on the flight plan;
- (f) 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

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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;

(g) flights performed by aircraft of which the Maximum Take-off Weight authorised is less than two metric tons;

(h) flights performed by customs and police aircraft.

FIRST SCHEDULE

The unit rate for the terminal charge for navigation services shall be 175.15 euro.

SECOND SCHEDULE

The rate of interest on late payment shall be 8.00 percent per annum.

