

BL 9-7

Regulations on air navigation facility charges (en route charges), København FIR

Edition 3, 2 December 1994

In pursuance of Subsections 2, 3, 4 and 5 of Section 71, and Sections 79 and 149 of the Danish Air Navigation Act, cf. Consolidation Act no. 162 of 12 March 1994, the Civil Aviation Administration hereby stipulates as follows on the authority of the Ministry of Transport:

1. Reference documents

1.1 EUROCONTROL, Multilateral Agreement relating to Route Charges, latest edition, at present the edition dated 12 February 1981.

1.2 EUROCONTROL, Conditions of Application of the Route Charges System and Conditions of Payment, latest edition, at present Document No. 94.60.32, enclosed as Appendix 1.

1.3 EUROCONTROL, Catalogue Distance Factors, Part 1 and 2.

1.4 The documents may be bought upon application to the Civil Aviation Administration, Aeronautical Information Service, Ellebjergvej 50, DK-2450 Copenhagen SV, Denmark.

2. General

2.1 This BL lays down regulations for collection of charges for en route flights within København Flight Information Region (København FIR).

2.2 Charges will be collected in accordance with Multilateral Agreement relating to Route Charges with the exemptions mentioned in Part 4.

2.3 The basis of charges corresponds to the costs connected with the services and air navigation facilities which the State of Denmark places at the disposal of civil aviation, EUROCONTROL's and the Civil Aviation Administration's costs in this connection, as well as the running of EUROCONTROL's (CRCO) and the Civil Aviation Administration's collection system

3. Calculation of charges

The charges per flight shall be calculated as stated in Conditions of Application of the Route Charges System and Conditions of Payment, cf. para. 1.3. The charges are published in Aeronautical Information Circular (AIC).

4. Exemption from payment of charges

4.1 The following flights within København FIR shall be exempted from payment of charges in accordance with Article 9.1 in Conditions of Application of the Route Charges System and Conditions of Payment:

- a. Flights where the entire flight is performed in accordance with the Visual Flight Rules.

- b. Flights terminating at the aerodrome from which the aircraft has taken off and during which no intermediate landing has been made.
- c. Flights performed by aircraft of which the Maximum Take-Off Mass Authorised is less than two metric tons.
- d. Flights performed exclusively for the transport of Royalty, Heads of State and Government, and Ministers on official mission.
- e. Search and rescue flights authorized by a competent SAR body.

It is a condition for obtaining the exemption mentioned under d and e that special notification is made to the Area Control Centre (ACC) prior to each flight.

4.2 Flights within København FIR with Danish or foreign military aircraft shall be exempted from payment of charges according to Article 9.2 of Conditions of Route Charges System and Conditions of Payment.

5. Payment of charges etc.

5.1 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

5.2 Collection of charges and any accrued interests, cf. Subsection 3 of Section 71 of the Danish Air Navigation Act, will be made by the order of EUROCONTROL in accordance with the regulations laid down in Conditions of Application of the Route Charges System and Conditions of Payment, cf., however, para. 5.3.

Note: The interest rate for overdue payment of charges is published in Aeronautical Information Circular(AIC).

5.2.1 EUROCONTROL may request the member states, including Denmark, to assist in the collection of EUROCONTROL's outstanding charges.

5.2.2 If the charges and any accrued interests and any fees are not paid to EUROCONTROL, collection may be done by distress.

Note: Permission to fly within Danish territory may be denied or withdrawn under the rules in Section 146 a of the Danish Air Navigation Act, which says as follows:

"§ 146 a. An application for permission according to § 31, § 55 or § 75 may be denied if the applicant is in considerable overdue debt to the public, by which is meant amounts in the order of DKK 50,000 and above.

(2) A permission as referred to in subsection (1) may be revoked if the holder is in considerable overdue debt to the public, by which is meant amounts in the order of DKK 100,000 and above. The revocation may be temporary from 1 to 5 years or until further notice. The decision shall contain information on the access according to § 146 b to demand the decision tested in court and on the time-limit for this."

5.3 Charges and any accrued interests for flights performed by helicopters in connection with activities concerning exploitation of the continental shelf in the open sea in and outside København FIR will be collected by the Civil Aviation Administration.

6. Exemption

The Civil Aviation Administration may in particularly exceptional cases grant exemption from the regulations laid down in this BL if it is deemed compatible with the obligations following Denmark's membership of EUROCONTROL and with the considerations on which the regulations in question are based.

7. Complaints

Complaints of the decisions taken by the Civil Aviation Administration in pursuance of the

regulations laid down in this BL may be presented to the Ministry of Transport.

8. Implementation

8.1 This BL comes into force on 1 January 1995.

9.2 At the same time BL 9-7, 2 edition of 26 June 1992 is repealed.

The Civil Aviation Administration, 2 December 1994

V.K.H. Eggers

/Sven E. Andresen

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 and approved by the enlarged Commission by correspondence, on 1 January 1986, incorporating the amendments adopted by the enlarged Commission by correspondence, on 7 December 1989, on 25 November 1991, on 23 and 27 November 1992, on 8 and 23 December 1993, on 4 February 1994 and 10 November 1994.]

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CONDITIONS OF APPLICATION OF THE
ROUTE CHARGES SYSTEM

ARTICLE 1

1. A charge shall be levied for each flight performed under Instrument Flight Rules by an aircraft 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 conducted in accordance with the visual flight rules (VFR flight). Flights conducted partly in accordance with the visual flight rules and partly in accordance with the 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 tax on the value added. 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 an air route crosses the lateral limits of the said airspace as set out in the national aeronautical publications. The air route taken shall be that most frequently used between two aerodromes or, where this cannot be determined, the shortest route.

The routes most frequently used shall be reviewed annually, so as to take account of any modifications in route structure or traffic conditions.

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. 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 rate published in the Official Journal of the European Communities (Information and Notices). Where not indicated in this publication, the exchange rate shall be calculated by reference on the one hand to the rate of exchange between the ECU and the dollar of the United States of America and, on the other, to the rate of exchange between the national currency concerned and the dollar of the United States of America as published by the International Monetary Fund in its "International Financial Statistics".

ARTICLE 8

1. Notwithstanding the provisions of Article 5, the charge for flights where the aerodrome of departure or of first destination is located in one of the zones listed in Annex 2 (transatlantic flights) shall be calculated by reference to tariffs determined according to weighted average distances and the applicable unit rates of charge.

2. The weighted average distances shall be calculated on the basis of traffic statistics compiled by EUROCONTROL from data supplied by the competent Air Traffic Control bodies.

The entry and exit points of transatlantic flights shall be the points at which such flights cross the boundaries of the Flight Information Regions falling within the competence of the Contracting States.

3. The tariffs as published shall apply to an aircraft having a maximum take-off weight certificated of fifty (50) metric tons. The charge shall be calculated by multiplying the appropriate tariff by the relevant weight factor as defined in Article 6.1.
4. The tariffs shall be determined for specific periods and shall be published in accordance with Article 11.
5. The provisions of paragraphs 1, 2 and 4 shall not apply to flights as referred to in paragraph 1 above where the aerodrome of departure or first destination is not included in Annex 2.

ARTICLE 9

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 made 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 metric tons;
 - d. flights performed exclusively for the transport of Royalty, Heads of State and Government, Ministers on official mission;
 - 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. flights performed entirely in the airspace of the Flight Information Regions falling within its competence;
 - b. military flights of any State;

exemption withdrawn as from 1.1.96

- c. training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of flight crew, and where this is substantiated by an appropriate remark on the flight plan. Flights must not be for commercial gain and be performed solely within the airspace of the State concerned; flights must not serve for the transport of passengers, nor for positioning or ferrying of the aircraft;
- d. flights performed exclusively for the purpose of checking or testing equipment used or intended to be used as ground aids to air navigation.

ARTICLE 10

The charge shall be payable at EUROCONTROL's Headquarters, in accordance with the conditions of payment set out in Annex 3. The currency of account used shall be the ECU.

ARTICLE 11

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

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|----------------------------|
| FLIGHT INFORMATION REGIONS |
|----------------------------|

Contracting States

Flight Information Regions

Federal Republic of Germany

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

Republic of Austria

Wien Flight Information Region

Kingdom of Belgium - Grand Duchy of Luxembourg

Bruxelles Upper Flight Information Region
 Bruxelles Flight Information Region

Republic of Cyprus

Nicosia Flight Information Region

Kingdom of Denmark

København Flight Information Region

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

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

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

Hellenic Republic

Athinai Upper Flight Information Region
 Athinai Flight Information Region

Republic of Hungary

Budapest Flight Information Region

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

Malta

Malta Flight Information Region

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

Kingdom of the Netherlands

Amsterdam Flight Information Region

Portuguese Republic

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

Republic of Slovenia

Ljubljana Flight Information Region*

Swiss Confederation

Switzerland Upper Flight Information Region
 Switzerland Flight Information Region

Turkey

Ankara Flight Information Region
 Istanbul Flight Information Region

* as from the date of accession of Slovenia

LISTE DES ZONES ET DES AERODROMES VISES A L'ARTICLE 8
DES CONDITIONS D'APPLICATION

LIST OF THE ZONES AND AERODROMES REFERRED TO IN ARTICLE 8
OF THE CONDITIONS OF APPLICATION

| Aerodromes of departure (or of first destination) situated | Aerodromes of first destination (or of departure) | |
|---|---|--|
| Aérodromes de départ (ou de première destination) situés | Aérodromes de première destination (ou de départ) | |
| 1 | 2 | |
| ZONE I - between 14°W & 110°W and North of 55°N - entre 14°O & 110°O et au nord de 55°N with the exception of Iceland / excepté l'Islande | FRANKFURT KØBENHAVN LONDON PARIS PRESTWICK | |
| ZONE II - between 40°W & 110°W and 28°N & 55°N - entre 40°O & 110°O et 28°N & 55°N | ABIDJAN AMMAN AMSTERDAM ATHINAI BALE - MULHOUSE BANJUL BARCELONA BELFAST BERLIN BIRMINGHAM BORDEAUX BRISTOL BRUXELLES BUCURESTI BUDAPEST CAIRO CARDIFF CASABLANCA DAKAR DUBLIN DÜSSELDORF EAST MIDLANDS FRANKFURT GENEVA GLASGOW HAMBURG HELSINKI ISTANBUL/ATATÜRK JEDDAH JOHANNESBURG, JAN SMUTS KIEV KØBENHAVN KÖLN - BONN LAGOS LAS PALMAS, GRAN CANARIAS LEEDS AND BRADFORD LILLE LISBOA | |

| Aerodromes of departure (or of first destination) situated | Aerodromes of first destination (or of departure) | |
|---|--|--|
| Aérodromes de départ (ou de première destination) situés | Aérodromes de première destination (ou de départ) | |
| 1 | 2 | |
| ZONE II (suite / continued) - between 40°W & 110°W and 28°N & 55°N - entre 40°O & 110°O et 28°N & 55°N | LONDON LUXEMBOURG LYON MAASTRICHT MADRID MALAGA MANCHESTER MANSTON MARSEILLE MILANO MONROVIA MOSKVA MÜNCHEN NANTES NAPOLI - CAPODICHINO NEWCASTLE NICE OOSTENDE OSLO PARIS PONTA DELGADA, AÇORES PORTO PRAHA PRESTWICK RIYADH ROMA SAL I., CABO VERDE SANTA MARIA, AÇORES SANTIAGO, ESPAÑA SHANNON SOFIA STOCKHOLM STUTTGART TEL-AVIV TENERIFE TIMISOARA/GIARMATA TORINO TOULOUSE-BLAGNAC WARSZAWA WIEN ZÜRICH | |

| Aerodromes of departure (or of first destination) situated | Aerodromes of first destination (or of departure) | |
|---|--|--|
| Aérodromes de départ (ou de première destination) situés | Aérodromes de première destination (ou de départ) | |
| 1 | 2 | |
| ZONE III - West of 110°W and between 28°N & 55°N - à l'ouest de 110°O et entre 28°N & 55°N | AMSTERDAM DÜSSELDORF FRANKFURT GENEVA GLASGOW KØBENHAVN LONDON LUXEMBOURG MADRID MANCHESTER MILANO MÜNCHEN PARIS PRESTWICK ROMA SHANNON ZÜRICH | |
| ZONE IV - West of 40°W and between 20°N & 28°N including Mexico - à l'ouest de 40°O et entre 20°N & 28°N incluant le Mexique | AMSTERDAM BARCELONA BERLIN BRUXELLES DÜSSELDORF FRANKFURT HAMBURG HELSINKI KÖLN - BONN LAS PALMAS, GRAN CANARIA LISBOA LONDON MADRID MANCHESTER MILANO MÜNCHEN PARIS PRAHA ROMA SAL I., CABO VERDE SANTA MARIA, AÇORES SANTIAGO-ESPAÑA SHANNON WIEN ZÜRICH | |

| Aerodromes of departure (or of first destination) situated | Aerodromes of first destination (or of departure) | |
|--|--|--|
| Aérodromes de départ (ou de première destination) situés | Aérodromes de première destination (ou de départ) | |
| 1 | 2 | |
| <p>ZONE V</p> <p>- West of 40°W and between the Equator & 20°N</p> <p>- à l'ouest de 40°O et entre l'équateur & 20°N</p> | <p>AMSTERDAM</p> <p>BARCELONA</p> <p>BORDEAUX</p> <p>BRUXELLES</p> <p>DÜSSELDORF</p> <p>FRANKFURT</p> <p>GLASGOW</p> <p>HAMBURG</p> <p>HELSINKI</p> <p>KÖLN - BONN</p> <p>LAS PALMAS, GRAN CANARIAS</p> <p>LISBOA</p> <p>LONDON</p> <p>LYON</p> <p>MADRID</p> <p>MANCHESTER</p> <p>MARSEILLE</p> <p>MILANO</p> <p>MÜNCHEN</p> <p>NANTES</p> <p>PARIS</p> <p>PORTO</p> <p>PORTO SANTO, MADEIRA</p> <p>PRESTWICK</p> <p>ROMA</p> <p>SANTA MARIA, AÇORES</p> <p>SANTIAGO, ESPAÑA</p> <p>SHANNON</p> <p>TENERIFE</p> <p>TOULOUSE - BLAGNAC</p> <p>WIEN</p> <p>ZÜRICH</p> | |

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 date by which payment must be effected shall be shown on 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 quoted for commercial transactions for the date and place of payment.

CLAUSE 3

1. Payment shall be deemed to have been made on the date on which the amount of the charge was credited by a banking establishment designated by EUROCONTROL.
2. Payment by cheque shall be deemed to have been made on the date on which the cheque was received by EUROCONTROL, subject to its being honoured by the drawer's bank.

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. The final date for the submission of claims shall be shown on the bill.
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 due date of the bill may be increased by the addition thereto of interest at a rate decided by the competent bodies and published annually, in accordance with Article 11 of the Conditions of Application.
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.