

air services are made available in a specified airspace shall pay to Eurocontrol, in respect of each flight by that aircraft in that airspace, a charge for those services (hereinafter referred to as "the charge") at the appropriate rate calculated in accordance with paragraph 7 of this Specification.

(2) The operator of an aircraft shall not be required to pay any charge to Eurocontrol under this Specification in respect of a flight if he has previously paid to Eurocontrol in respect of that flight a charge of the same or a greater amount under the law of a country specified in column 1 of the Schedule hereto.

*Circumstances in which charges payable by the owner*

5. If Eurocontrol is unable, after taking reasonable steps, to ascertain who is the operator, it may give notice to the owner of the aircraft that it will treat him as the operator for the purposes of paragraph 4(1) until he establishes to the reasonable satisfaction of Eurocontrol that some other person is the operator; and from the time when the notice is given Eurocontrol shall be entitled, for so 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 this Specification (other than this paragraph) shall apply to the owner of the aircraft as if he were the operator.

*Payment*

6.-(1) The amount of the charge shall be payable to Eurocontrol at its principal office in Brussels and shall be paid in euros.

(2) The equivalent in sterling of the charge may be recovered in any court of competent jurisdiction in the United Kingdom.

(3) If the amount of the charge payable under paragraph 4(1) is not paid in cleared funds by the operator of the aircraft within 30 days of the date payment is demanded by Eurocontrol, interest calculated in accordance with sub-paragraph (4) below on the unpaid amount shall be paid from that day until the date when cleared funds are received by Eurocontrol.

(4) Interest payable under sub-paragraph (3) shall be simple interest calculated from day to day at the rate of 9.25%.

(5) Nothing in this Specification shall prevent Eurocontrol from accepting as a good discharge payment other than in euros or at places other than the principal office of Eurocontrol.

*Calculation of the Charge*

7.-(1) The charge shall be calculated in euros 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 Schedule hereto in relation to the specified airspace through which the flight is made, increased or decreased as the case may be by the same percentage as the relevant national currency has increased or decreased against the euro as compared with the rate of exchange specified in column 4 of the said Schedule in relation to that airspace.

(2) For the purpose of the preceding sub-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 in question and  $p$  is the weight factor for the aircraft concerned.

(3) For the purposes of the preceding sub-paragraph –

(a) the distance factor shall be the number of kilometres in the great circle distance between the points specified in sub-paragraph (4) of this paragraph minus 20 kilometres for each landing and take-off in the specified airspace in question, divided by 100 and expressed to two places of decimals, and

(b) the weight factor, subject to the provisions of sub-paragraphs (6) and (7) of this paragraph, shall be equal to the square root of the quotient obtained by dividing by 50 the number of metric tonnes of the maximum total weight authorised of the aircraft and shall be expressed to two places of decimals.

(4) The points referred to in sub-paragraph (3) of this paragraph are –  
(a) the aerodrome of departure within the specified airspace in question or, if there is no such aerodrome, the point of entry into that airspace;

and

(b) the aerodrome of first destination within the specified airspace in question or, if there is no such aerodrome, the point of exit from that airspace.

(5) For the purposes of the preceding sub-paragraph, the point of entry into the specified airspace in question and the point of exit from that airspace shall be the points at which the lateral limits of the said airspace are crossed by the route described in the flight plan communicated by or on behalf of the operator of the aircraft either to the appropriate air traffic control unit or to the Flow Management Unit of Eurocontrol with any modifications thereto subsequently made or approved by or on behalf of the operator.

(6) Subject to sub-paragraph (7) below, the weight factor for an aircraft of any type shall be calculated by reference to the maximum total weight authorised of the heaviest aircraft of that type.

(7) Where an operator has indicated to Eurocontrol, within the period of one year immediately preceding the flight, the composition of the fleet of aircraft which he operates and which includes two or more aircraft which are different versions of the same type of aircraft, the weight factor shall be calculated by reference to the average of the maximum total weight authorised of all his aircraft of that type so indicated to Eurocontrol.

(8) For the purposes of this paragraph the rate of exchange of the euro to a national currency shall be the average monthly rate of exchange of the euro to that national currency established by Eurocontrol for the month preceding the month during which the flight takes place.

*Exempt Flights*

8. This Specification shall not apply to the following flights –

(a) flights by military aircraft;

(b) flights made for the purposes of search and rescue operations;

(c) flights by aircraft of which the maximum total weight authorised is 5700kg or less made entirely in accordance with the Visual Flight Rules in the Rules of the Air Regulations 1996(d);

(d) flights terminating at the aerodrome from which the aircraft has taken off;

(e) flights other than the flights referred to in sub-paragraph (a) of this sub-paragraph made exclusively for the purpose of the carriage on official business of a reigning Monarch or his immediate family, a Head of State, a Head of Government or a Government Minister;

(f) flights made exclusively for the purpose of checking or testing equipment used or intended to be used as aids to air navigation;

(g) flights made exclusively for the purpose of the instruction or testing of flight crew within the specified airspace of the United Kingdom;

(h) flights made by aircraft of which the maximum total weight authorised is less than two metric tonnes;

(i) flights made by helicopters between any point in the United Kingdom to a vessel or an off-shore installation within the area bounded by straight lines joining successively the following points –

6300N 00500W; 632833N 000000EW; thence south along the UK Median Line to 5500N 00302E; 5500N 00100W; 5600N 00230W; 5740N 00230W; 5740N 00400W; 5830N 00400W; 5830N 00500W; 6300N 00500W;

(j) flights made by helicopters between any point in the United Kingdom to a vessel or an off-shore installation within the area bounded by straight lines joining successively the following points –

5500N 00100W; 5500N 00300E; 5423N 00245E; 5256N 00309E; 5230N 00247E; 5226N 00137E; 5238N 00140E; 5251N 00124E; 5319N 00010E; 5500N 00100W.

*Value Added Tax Charge*

9. For the purposes of this Specification in respect of value added tax payable on the provision of chargeable air services for which a charge is payable pursuant to this Specification there shall be charged an additional charge equal to the amount of such tax and the incidence of the first mentioned charge shall determine the incidence of the additional charge.

By Order of the Civil Aviation Authority

R J Britton, Secretary and Legal Adviser, Civil Aviation Authority, CAA House, 45-59 Kingsway, London WC2B 6TE.

Dated: 19th December 2001.