

S.I. NO. 202 OF 2000

The Irish Aviation Authority (Terminal Charges)

Regulations, 2000

The Irish Aviation Authority, in exercise of the powers conferred on it by sections 43 of the Irish Aviation Authority Act, 1993, (No. 29 of 1993), hereby makes the following regulations:-

1. These Regulations may be cited as The Irish Aviation Authority (Terminal Charges) Regulations, 2000, and shall come into operation on the 1st day of July, 2000.
2. In these Regulations -

 “Maximum Take Off Weight “ means, in relation to an aircraft, the highest maximum take off weight, expressed in metric tons, authorised by the certificate of airworthiness of the aircraft, the flight manual or other equivalent document.

 " Eurocontrol" has the meaning assigned to it by the Irish Aviation Authority Act, 1993 (No. 29 of 1993) .
3. (1) Subject to these Regulations, the operator of an aircraft shall pay to Eurocontrol in respect of each flight taking off from a State aerodrome, and performed under Instrument Flight Rules in accordance with the procedures laid down in application of the Standards and Recommended Practices of the International Civil Aviation Organisation, a charge for terminal services provided or made available (in these Regulations referred to as "the charge") at the appropriate rate calculated in accordance with Regulation 5 of these Regulations.

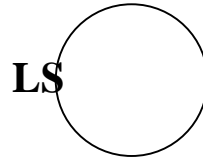
(2) Where Eurocontrol is unable, after taking reasonable steps, to ascertain who the operator is, it may give notice to the owner of the aircraft that it will treat him as the operator until he establishes to the reasonable satisfaction of Eurocontrol that some other person is the operator, and from the time when 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 these Regulations (other than this paragraph) shall apply to the owner of the aircraft as if he were the operator.

4. (1) The amount of the charge shall be payable to Eurocontrol at its principal office in Brussels.
- (2) (a) The amount of the charge shall be due on the date of performance of the flight taking off from a State aerodrome and shall be paid in euros.
- (b) The latest date by which payment shall be effected shall be specified on the bill.
- (3) (a) Where the charge has not been paid by the latest date as aforesaid it shall be increased by the addition of interest, calculated from the date on which the charge becomes due, being the date of performance of the flight taking off from a State aerodrome as specified on the bill, to the date of eventual payment of the charge.
- (b) The rate of interest to be applied shall be determined by the Irish Aviation Authority from time to time and shall be published in *Iris Oifigiúil* as soon as possible after the rate has been determined.
- (4) Nothing in this Regulation shall prevent Eurocontrol from accepting as a good discharge payment in currencies other than euros or at places other than the principal office of Eurocontrol.
5. (1) (a) The charge shall be calculated according to the following formula:
- $$R = N \times t$$
- where R is the charge for the flight, N is the number of service units corresponding to the flight and t is the unit rate of charge expressed in euros applied by Eurocontrol.
- (b) Notice of the amount of the unit rate, as may be determined by the Irish Aviation Authority from time to time, shall be published in *Iris Oifigiúil* as soon as may be after the rate has been determined and a copy of the said *Iris Oifigiúil* purporting to contain any such notice shall be evidence of the amount of the said unit rate in any legal proceedings relating to the charge.

- (2) For the purposes of paragraph (1), the number of service units designated as N, shall be, for a given flight taking off from a State aerodrome, equal to the Maximum Take Off Weight (MTOW) per aircraft type calculated as an average of the maximum take off weight of all the aircraft of that type in the operator's fleet, and this calculation in respect of each aircraft type and each operator shall be effected at least once in every year.
6. (1) These Regulations shall not apply to -
- (a) search and rescue flights performed on the responsibility of a search and rescue body established by one or more states,
 - (b) training flights performed exclusively for the purpose of obtaining a licence or rating, where this is substantiated by an appropriate remark on the flight plan,
 - (c) flights made for the purpose of checking or testing equipment used or intended to be used as aids to air navigation,
 - (d) flights performed by aircraft of which the maximum authorised weight is less than two metric tons,
 - (e) flights terminating at the aerodrome from which the aircraft has taken off and during which no intermediate landing has been made.
- (2) A training flight referred to in paragraph (1) of this Regulation shall -
- (a) not be for commercial gain,
 - (b) not serve for the transport of passengers or for the positioning or ferrying of the aircraft.
7. The Irish Aviation Authority (Terminal Charges) Regulations, 1999 (S.I. No. 23 of 1999) are hereby revoked.

Given under the Common Seal of
The Irish Aviation Authority,
this 26th day of June, 2000.

Present when the
Common Seal of The
Irish Aviation Authority
was affixed thereto



Kathleen Daly

Director

Thomas Quinn

Director

Pn no. 8767

Price: 60p

Explanatory Note

(This Note does not form part of the Regulations and does not purport to be a legal interpretation.)

These Regulations, which will come into operation on 1 July, 2000, re-enact, in consolidated form and with amendments, the Irish Aviation Authority (Terminal Charges) Regulations, 1999. The amendments provide for

(a) the abolition of the 60% domestic discount unit rate which applied to flights where the point of take off and subsequent landing were within the State

and

(b) the abolition of the 80% domestic transatlantic discount unit rate which applied to flights where the point of take off and subsequent landing were within the State but which formed part of a transatlantic flight.