

Regulation (EC) No 550/2004 of the European Parliament and of the Council
of 10 March 2004 on the provision of air navigation services in the single
European sky (the service provision Regulation) (Text with EEA relevance)

CHAPTER III

CHARGING SCHEMES

[^{F1}Article 14

General

In accordance with the requirements of Articles 15 and 16, the charging scheme for air navigation services shall contribute to greater transparency in the determination, imposition and enforcement of charges to airspace users and shall contribute to the cost efficiency of providing air navigation services and to efficiency of flights, while maintaining an optimum safety level. This scheme shall also be consistent with Article 15 of the 1944 Chicago Convention on International Civil Aviation and with Eurocontrol's charging system for en-route charges.]

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations \(EC\) No 549/2004, \(EC\) No 550/2004, \(EC\) No 551/2004 and \(EC\) No 552/2004 in order to improve the performance and sustainability of the European aviation system \(Text with EEA relevance\).](#)

[^{F1}Article 15

Principles

- 1 The charging scheme shall be based on the account of costs for air navigation services incurred by service providers for the benefit of airspace users. The scheme shall allocate these costs among categories of users.
- 2 The following principles shall be applied when establishing the cost-base for charges:
 - a the cost to be shared among airspace users shall be the determined cost of providing air navigation services, including appropriate amounts for interest on capital investment and depreciation of assets, as well as the costs of maintenance, operation, management and administration. Determined costs shall be the costs determined by the Member State at national level or at the level of functional airspace blocks either at the beginning of the reference period for each calendar year of the reference period referred to in Article 11 of the framework Regulation, or during the reference period, following appropriate adjustments applying the alert mechanisms set out in Article 11 of the framework Regulation;
 - b the costs to be taken into account in this context shall be those assessed in relation to the facilities and services provided for and implemented under the ICAO Regional Air Navigation Plan, European Region. They may also include costs incurred by

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- national supervisory authorities and/or qualified entities, as well as other costs incurred by the relevant Member State and service provider in relation to the provision of air navigation services. They shall not include the costs of penalties imposed by Member States according to Article 9 of the framework Regulation nor the costs of any corrective measures imposed by Member States according to Article 11 of the framework Regulation;
- c in respect of the functional airspace blocks and as part of their respective framework agreements, Member States shall make reasonable efforts to agree on common principles for charging policy;
 - d the cost of different air navigation services shall be identified separately, as provided for in Article 12(3);
 - e cross-subsidy shall not be allowed between en-route services and terminal services. Costs that pertain to both terminal services and en-route services shall be allocated in a proportional way between en-route services and terminal services on the basis of a transparent methodology. Cross-subsidy shall be allowed between different air navigation services in either one of those two categories only when justified for objective reasons, subject to clear identification;
 - f transparency of the cost-base for charges shall be guaranteed. Implementing rules for the provision of information by the service providers shall be adopted in order to permit reviews of the provider's forecasts, actual costs and revenues. Information shall be regularly exchanged between the national supervisory authorities, service providers, airspace users, the Commission and Eurocontrol.
- 3 Member States shall comply with the following principles when setting charges in accordance with paragraph 2:
- a charges shall be set for the availability of air navigation services under non-discriminatory conditions. When imposing charges on different airspace users for the use of the same service, no distinction shall be made in relation to the nationality or category of the user;
 - b exemption of certain users, especially light aircraft and State aircraft, may be permitted, provided that the cost of such exemption is not passed on to other users;
 - c charges shall be set per calendar year on the basis of the determined costs, or may be set under conditions established by Member States for determining the maximum level of the unit rate or of the revenue for each year over a period not exceeding five years;
 - d air navigation services may produce sufficient revenues to provide for a reasonable return on assets to contribute towards necessary capital improvements;
 - e charges shall reflect the cost of air navigation services and facilities made available to airspace users, taking into account the relative productive capacities of the different aircraft types concerned;
 - f charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets and they shall stimulate integrated service provision, whilst reducing the environmental impact of aviation. To that end, and in relation to the national or functional airspace block performance plans, national supervisory authorities may set up mechanisms, including incentives consisting of financial advantages and disadvantages, to encourage air navigation service providers and/or airspace users to support improvements in the provision of air navigation services such as increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level.
- 4 The Commission shall adopt detailed implementing rules for this Article in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation.]

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[^{F2}Article 15a

Common projects

1 Common projects may assist the successful implementation of the ATM Master Plan. Such projects shall support the objectives of this Regulation to improve the performance of the European aviation system in key areas such as capacity, flight and cost efficiency as well as environmental sustainability, within the overriding safety objectives.

2 The Commission may, in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation, develop guidance material concerning the way in which such projects can support the implementation of the ATM Master Plan. Such guidance material shall not prejudice mechanisms for the deployment of such projects concerning functional airspace blocks as agreed upon by the parties of those blocks.

3 The Commission may also decide, in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation, to set up common projects for network-related functions which are of particular importance for the improvement of the overall performance of air traffic management and air navigation services in Europe. Such common projects may be considered eligible for Community funding within the multiannual financial framework. To this end, and without prejudice to Member States' competence to decide on the use of their financial resources, the Commission shall carry out an independent cost-benefit analysis and appropriate consultations with Member States and with relevant stakeholders in accordance with Article 10 of the framework Regulation, exploring all appropriate means for financing the deployment thereof. The eligible costs of deployment of common projects shall be recovered in accordance with the principles of transparency and non-discrimination.]

Textual Amendments

- F2** Inserted by [Regulation \(EC\) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations \(EC\) No 549/2004, \(EC\) No 550/2004, \(EC\) No 551/2004 and \(EC\) No 552/2004 in order to improve the performance and sustainability of the European aviation system \(Text with EEA relevance\).](#)

[^{F1}Article 16

Review of compliance

1 The Commission shall provide for the ongoing review of compliance with the principles and rules referred to in Articles 14 and 15, acting in cooperation with the Member States. The Commission shall endeavour to establish the necessary mechanisms for making use of Eurocontrol expertise and shall share the results of the review with the Member States, Eurocontrol and the airspace users' representatives.

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2 At the request of one or more Member States that consider that the principles and rules referred to in Articles 14 and 15 have not been properly applied, or on its own initiative, the Commission shall carry out an investigation into any allegation of non-compliance or non-application of the principles and/or rules concerned. Without prejudice to Article 18(1), the Commission shall share the results of the investigation with the Member States, Eurocontrol and the airspace users' representatives. Within two months of receipt of a request, after having heard the Member State concerned and after consulting the Single Sky Committee in accordance with the advisory procedure referred to in Article 5(2) of the framework Regulation, the Commission shall take a decision on the application of Articles 14 and 15 of this Regulation and as to whether the practice concerned may continue.

3 The Commission shall address its decision to the Member States and inform the service provider thereof, in so far as it is legally concerned. Any Member State may refer the Commission's decision to the Council within one month. The Council, acting by a qualified majority, may take a different decision within a period of one month.]

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations \(EC\) No 549/2004, \(EC\) No 550/2004, \(EC\) No 551/2004 and \(EC\) No 552/2004 in order to improve the performance and sustainability of the European aviation system \(Text with EEA relevance\).](#)

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/459 reg. 42](#)
- Annex 1 word omitted by [S.I. 2019/459 reg. 43\(a\)](#)
- Annex 1 words omitted by [S.I. 2019/459 reg. 43\(b\)](#)
- Annex 2 Point 1(a) omitted by [S.I. 2019/459 reg. 44](#)
- Art. 6(1) Art. 6 renumbered as Art. 6(1) by [S.I. 2019/459 reg. 24\(2\)](#)
- Art. 6(1) words substituted by [S.I. 2019/459 reg. 24\(3\)](#)
- Art. 6(2)(3) inserted by [S.I. 2019/459 reg. 24\(4\)](#)