

1989 No. 2257

CIVIL AVIATION

The Civil Aviation (Route Charges for Navigation Services) (Amendment) Regulations 1989

<i>Made</i> - - - -	<i>1st December 1989</i>
<i>Laid before Parliament</i>	<i>11th December 1989</i>
<i>Coming into force</i>	<i>1st January 1990</i>

Whereas in pursuance of tariffs approved under the Eurocontrol Convention(a) and under the Multilateral Agreement relating to Route Charges concluded at Brussels on 12th February 1981 (being international agreements to which the United Kingdom is a party), the Secretary of State for Transport has determined the rates of charges, as specified in the following Regulations, payable to the Eurocontrol Organisation in respect of navigation services provided for aircraft:

Now, therefore, the Secretary of State for Transport in exercise of his powers under section 73 (1)(a), (1A)(a) and (b), (4) and (6)(b)(i) of the Civil Aviation Act 1982(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Civil Aviation (Route Charges for Navigation Services) (Amendment) Regulations 1989 and shall come into force on 1st January 1990.

2. The Civil Aviation (Route Charges for Navigation Services) Regulations 1989(c) shall be amended as follows:

(1) In regulation 3(1) before the definition of the expression "FIR" there shall be added the following definition:

" "ECUs" means European Currency Units being units of account defined by reference to more than one currency;".

(2) For the expression "United States dollars" wherever it appears there shall be substituted the expression "ECUs".

(3) For regulation 5 thereof there shall be substituted the following new regulation:

(a) Cmnd. 8662. (b) 1982. c.16; section 73(4) was amended by section 3(2) of the Civil Aviation (Eurocontrol) Act 1983 (c.11), section 73(1A) was added by section 1 of the Civil Aviation (Air Navigation Charges) Act 1989 (c.9). (c) S.I. 1989/303.

“Payment

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

(2) Without prejudice to any existing rule of law relating to the payment, under an order of the Court, of a debt expressed in ECUs, the equivalent in Sterling of the charge may be recovered in any Court of competent jurisdiction in the United Kingdom.

(3) Nothing in this regulation shall prevent the Organisation from accepting as a good discharge payment other than in ECUs or at places other than the principal office of the Organisation.”.

(4) For regulation 8 thereof there shall be substituted the following new regulation—

8.—(1) For the purposes of regulations 6 and 7 the rate of exchange of the ECU to a national currency shall be —

- (a) Where the average monthly rate of exchange of the ECU to that national currency is established by the Commission of the European Communities, such rate of exchange, and publication in the Official Journal of the European Communities (Information and Notices) for the month preceding the month during which the flight takes place shall be sufficient evidence of that matter unless the contrary is proved; and a document purporting to be the Official Journal (Information and Notices) shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a document; and
 - (b) Where the average monthly rate of exchange of the ECU to that national currency is not established by the Commission of the European Communities, such rate of exchange as is calculated by reference to the rate of exchange between the ECU and the United States dollar and between the relevant national currency and the United States dollar established by the International Monetary Fund and publication in the International Financial Statistics of the International Monetary Fund for the month preceding the month during which the flight takes place shall be sufficient evidence of that matter unless the contrary is proved; and a document purporting to be the International Financial Statistics published by the International Monetary Fund shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a document.
- (2)(a) Where the average monthly rate of exchange of the ECU to a national currency is established by the Commission of the European Communities, in the event that the Commission of the European Communities does not publish the Official Journal (Information and Notices) for the month preceding the month during which the flight takes place, a certificate given by or on behalf of the Treasury stating the average monthly rate of exchange of the ECU to the relevant national currency for the month preceding the month during which the flight takes place shall be sufficient evidence of that matter unless the contrary is proved; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.
- (b) Where the average monthly rate of exchange of the ECU to a national currency is not established by the Commission of the European Communities, in the event that the International Monetary Fund does not publish the International Financial Statistics for the month during which the flight takes place, a certificate given by or on behalf of the Treasury stating the average monthly rate of exchange between the ECU and the United States dollar and between the relevant national currency and the United States dollar for the month preceding the month during which the flight takes place shall be sufficient evidence of that matter unless the contrary is proved; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.”.

(5) For Schedule 2 thereof shall be substituted Schedule 1 to these Regulations.

(6) For Schedule 3 thereof there shall be substituted Schedule 2 to these Regulations.

Signed by the authority of the Secretary of State for Transport

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Transport

1st December 1989

The following replace Schedule 2 and Schedule 3 of the principal Regulations

SCHEDULE 1 Regulation 2(5)
SPECIFIED AIRSPACES

<i>(1)</i> Country	<i>(2)</i> Publication in which FIRS are described	<i>(3)</i> Unit Rate in ECUs	<i>(4)</i> Established at a Rate of exchange of
Austria	AIP Austria	50.67	1 ECU= 14.5864 Sch
Belgium	AIP Belgique	43.38	1 ECU= 43.3907 BF
France	AIP France (France Metropolitaine)	48.17	1 ECU= 7.02906 FF
Germany, Federal Republic of	AIP Germany	44.69	1 ECU= 2.07243 DM
Greece	AIP Greece	20.86	1 ECU= 179.152 Dra
Ireland, Republic of	AIP Ireland	26.10	1 ECU= 0.775973 £Ir
Malta	AIP Malta	42.10	1 ECU= 0.384 MAL
Netherlands	AIP Netherlands	37.01	1 ECU= 2.33699 G
Portugal	AIP Portugal	38.59	1 ECU= 173.539 Esc Santa Maria FIR-10.69
Spain	AIP Espana Madrid & Barcelona FIR-43.62 Canaries FIR-41.36		1 ECU= 130.211 Pts
Switzerland	AIP Switzerland	45.78	1 ECU= 1.78478 SF
Turkey	AIP Turkey	56.08	1 ECU= 2344.07 LT
United Kingdom	United Kingdom Air Pilot †	71.64	1 ECU= £0.674318

† Excluding Shanwick FIR

SCHEDULE 2

Regulation 2(6)

<i>(1)</i> <i>Aerodromes of departure (or of first destination) situated</i>	<i>(2)</i> <i>Aerodromes of first destination (or of departure)</i>	<i>(3)</i> <i>Amount of the charge in ECUs</i>
ZONE I		
- between W01400 and W11000 and North of N5500 with the exception of Iceland	Frankfurt	1,005.95
	London	701.95
	Paris	917.00
	Prestwick	367.51
ZONE II		
- between W04000 and W11000 and N2800 and N5500	Amsterdam	677.89
	Athens	941.44
	Basle-Mulhouse	689.18
	Belfast	167.32
	Belgrade	1,023.24
	Berlin-Schonefeld	667.06
	Berlin-Tegel	643.00
	Birmingham	401.75
	Bordeaux	374.18
	Brussels	678.86
	Cardiff	286.72
	Casablanca	327.19
	Cologne-Bonn	756.08
	Copenhagen	651.71
	Dakar	140.89
	Dublin	137.16
	Dubrovnik	972.90
	Düsseldorf	760.43
	Frankfurt	820.50
	Geneva	653.15
	Glasgow	240.54
	Hamburg	629.10
	Helsinki	391.15
	Jeddah	967.03
	Lagos	134.80
	Lamezia-Terme	723.41
	Las Palmas (Canary Islands)	422.25
	Lisbon	370.44
	Ljubljana	998.61
	London	459.09
	Luxembourg	732.87
	Lyons	607.64
Maastricht	705.28	
Madrid	484.69	
Malaga	571.90	
Manchester	365.81	
Manston	531.28	
Milan	717.02	
Monrovia	134.16	
Moscow	499.93	
Munich	898.10	
Naples-Capodichino	754.77	
Newcastle	380.31	
Nice	916.65	
Oporto	269.07	
Oslo	405.48	
Ostend	605.03	
Paris	540.38	

<i>(1)</i> <i>Aerodromes of departure (or of first destination) situated</i>	<i>(2)</i> <i>Aerodromes of first destination (or of departure)</i>	<i>(3)</i> <i>Amount of the charge in ECUs</i>
<i>ZONE II continued</i>		
	Pisa	715.70
	Ponta Delgada (Azores)	139.18
	Prague	799.12
	Prestwick	240.54
	Rome	798.49
	Sal Island (Cape Verde)	156.61
	Santa Maria (Azores)	148.91
	Santiago	229.07
	Shannon	99.18
	Stockholm	414.08
	Stuttgart	764.92
	Tel-Aviv	1,119.52
	Tenerife	389.11
	Turin	831.14
	Venice	899.19
	Vienna	1,093.63
	Warsaw	633.45
	Zagreb	1,023.24
	Zürich	774.39
<i>ZONE III</i>		
<i>- West of W11000 and between N2800 and N5500</i>	Amsterdam	775.72
	Düsseldorf	830.63
	Frankfurt	835.39
	London	661.40
	Luxembourg	903.20
	Madrid	390.51
	Manchester	522.00
	Milan	1,033.73
	Paris	750.15
	Prestwick	328.11
	Shannon	94.48
	Zürich	1,075.59
<i>ZONE IV</i>		
<i>- West of W04000 and between N2000 and N2800 (including Mexico)</i>	Amsterdam	661.88
	Berlin-Schonefeld	737.42
	Brussels	596.17
	Cologne-Bonn	690.89
	Copenhagen	660.47
	Düsseldorf	747.71
	Frankfurt	764.08
	Hamburg	794.57
	Helsinki	424.11
	London	451.28
	Madrid	603.33
	Oslo	434.14
	Paris	466.66
	Prague	831.45
	Sal Island (Cape Verde)	87.55
	Shannon	142.23
	Stockholm	474.22
	Vienna	997.05
	Zürich	707.38
<i>ZONE V</i>		
<i>- West of W04000 and between the equator and N2000</i>	Amsterdam	829.10
	Bordeaux	685.29
	Frankfurt	845.48
	Las Palmas (Canary Islands)	517.07
	London	633.13

<i>(1)</i> <i>Aerodromes of departure (or of</i> <i>first destination) situated</i>	<i>(2)</i> <i>Aerodromes of first</i> <i>destination (or of departure)</i>	<i>(3)</i> <i>Amount of the charge in</i> <i>ECUs</i>
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ZONE V continued

Lisbon	501.41
Lyons	881.94
Madrid	663.56
Manchester	533.23
Marseilles	996.13
Milan	976.10
Oporto	487.51
Paris	698.22
Porto Santo (Madeira)	304.84
Santa Maria (Azores)	195.95
Santiago	488.13
Shannon	242.41
Tenerife	512.94
Toulouse-Blagnac	837.26
Zürich	986.53

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Aviation (Route Charges for Navigation Services) Regulations 1989 as follows—

The European Currency Unit replaces the United States dollar as from 1st January 1990 for the purposes of payment and calculation of the charge payable to the Eurocontrol Organisation as agreed between the Member State of Eurocontrol (regulations 2(1), (2) and (3)).

For the purpose of calculating the charges specified in regulations 6 and 7 of the principal Regulations the rate of exchange of the ECU to a national currency shall in cases where the Commission of the European Communities has established the average monthly rate of exchange of the ECU to a national currency be that rate of exchange, which is published in the Commission's Official Journal (Information and Notices). In cases where the Commission of the European Communities has not established the average monthly rate of exchange of the ECU to a national currency, the relevant rate of exchange is to be calculated by reference to the rates of exchange between the ECU and the United States dollar and between the national currency and the United States dollar established by the International Monetary Fund and published in the Fund's International Financial Statistics (regulation 2(4)). Both publications can be inspected at the Civil Aviation Authority Central Library, CAA House, 45-59 Kingsway, London WC2B 6TE.

New rates and transatlantic tariffs are introduced reflecting forecasts of costs and traffic for 1990 and taking into account the balance of over and under recoveries of revenue as compared with costs experienced by the countries participating in the Eurocontrol charging system in 1988 (regulation 2(5) and Schedule 1).

The unit rates in ECUs set out in Schedule 1 and the amount of the charges in ECUs set out in Schedule 2 are calculated by reference to the costs of provision of en-route navigation services in the participating countries in the Eurocontrol charges system, the amount of the traffic using each country's airspace and the relationship of each country's currency to the ECU over a period agreed by Ministers of the participating countries. The interaction of these elements varies in each country. In calculating the revised charges the average of the exchange rates between the ECU and the currencies of the participating countries obtaining in the month of July 1989 have been used. Malta which became a Member State of Eurocontrol in 1989 is included for the first time.

The unit rates for Austria, Belgium, Federal Republic of Germany, Grand Duchy of Luxembourg, Ireland, Netherlands and Switzerland have decreased by an average of 15.0 per cent and for Portugal (Santa Maria) by 4.6 per cent. The unit rates for France, Greece, Portugal (Mainland), Spain (Mainland) and Turkey have increased on average by 29.4 per cent and for Spain (Canaries) by 37.9 per cent. The unit rate for the United Kingdom has increased by 39.7 per cent. These variations are not comparable as some countries are repaying in 1990 large sums over recovered in previous years.