

Regulations Relating to Charges for Air Navigation Services Provided by Avinor AS

Unofficial translation – the Norwegian text shall prevail.

Authority: Laid down by the Ministry of Transport and Communications on 15 November 2010 pursuant to section 7-26, section 7-27, section 15-3 and section 15-4 of the Act of 11 June 1993 no. 101 relating to Aviation (Aviation Act).

EEA references: EEA Agreement, Annex XIII no. 66wd (Regulation (EC) no. 1794/2006).

Chapter 1 – General

Section 1. *Regulations' scope*

(1) The regulations apply to the setting of charges for en route services and terminal navigation services provided by Avinor AS at the company's own service units.

(2) The regulations apply within Norwegian regions, as well as within regions in which Norway has a duty to provide air navigation services in accordance with international conventions and agreements.

Section 2. *Definitions*

(1) Terminal navigation services are defined as services of the kind listed in article 7, no. 2, letters a) - c) of the charging regulation.

(2) En route services are defined as services of the kind covered by the definition in article 7, no. 3 of the charging regulation.

(3) The charging regulation is defined as Regulation (EC) no. 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services.

Section 3. *Duty to pay terminal navigation charges and en route charges*

The users of the terminal navigation services mentioned in section 2, first paragraph, have an obligation to pay terminal navigation charges pursuant to the rules in chapter 2 if the services are provided at the airports covered by charging zone A in the appendix to the regulations. Users of terminal navigation services on flights to and from the continental shelf must pay an en route charge pursuant to the rules in chapter 3.

Users of the en route services mentioned in section 2, second paragraph, have an obligation to pay en route charges pursuant to the rules in chapter 2 if the services are provided at airports covered by charging zone B in the appendix to the regulations. Users of en route services at other airports pay en route charge pursuant to the rules in chapter 3.

Section 4. *Exemption from charges*

En route charges and terminal navigation charges shall not be paid for:

1. flights performed by aircraft with military registration marks;
2. calibration flights such as those mentioned in article 9, no. 2, letter c) of the charging regulation;

3. circular flights such as those mentioned in article 9, no. 2, letter d) of the charging regulation;
4. VFR flights such as those mentioned in article 9, no. 2, letter e) of the charging regulation;
5. humanitarian flights such as those mentioned in article 9, no. 2, letter f) of the charging regulation; and
6. flights within Svalbard and Jan Mayen.

Section 5. *National supervisory authority*

Civil Aviation Authority - Norway is the national supervisory authority for the charges regulated by the charging regulation (chapter 2), cf. section 1 and section 2 of the Regulations of 26 January 2007 no. 99 relating to the establishment of a single European sky, and article 2 of the Regulation (EC) no. 550/2004 of 10 March 2004 on the provision of air navigation services in the single European sky (Service Provision Regulation).

Chapter 2 - Implementation of the charging regulation

Section 6. *Implementation of Regulation (EC) no. 1794/2006*

(1) EEA Agreement, Annex XIII no. 66wd (Regulation (EC) no. 1794/2006) of 6 December 2006 laying down a common charging scheme for air navigation services shall apply as regulations with the amendments that follow from appendix XIII, protocol 1 to the agreement and the agreement otherwise.

(2) The setting of charges pursuant to this chapter shall take place in accordance with the principles set forth in the charging regulation.

Section 7. *Costs incurred by others than the provider of air navigation services*

The Ministry of Transport and Communications can decide that, and the extent to which, the costs mentioned in article 5, no. 2 of the regulation shall be included in the basis for calculating charges. Bodies in possession of information required by the Ministry to decide matters according to the first sentence have an obligation to provide such information to the Ministry.

Section 8. *Funding of special projects*

The Ministry of Transport and Communications shall decide whether or not, and the extent to which, revenues from charges may be used to fund projects designed to assist specific categories of airspace users and/or providers of air navigation services such as those mentioned in article 5, no. 3 of the regulation.

Section 9. *Transparency of the cost base*

Representatives of airspace users who wish to exchange information on cost bases, planned investments and expected traffic such as that mentioned in article 8, no. 1. of the regulation, shall send a request to the provider(s) of the air navigation services and a copy to the Ministry of Transport and Communications. The provider(s) and Ministry shall thereafter agree on the manner of the information exchange and how costs transparency shall be ensured for the users' representatives, EFTA's Surveillance Authority and Eurocontrol pursuant the same regulation. The

Ministry of Transport and Communications can also initiate an exchange of information as mentioned in the first sentence.

Section 10. *Consultation on charging policy*

The Ministry of Transport and Communications is responsible for ensuring an open consultation process is conducted such as that mentioned in article 15, no. 1 of the regulation. The Ministry may in connection with this instruct the providers of air navigation services to conduct those parts of the consultation process that concern their own services.

The providers of air navigation services such as those mentioned in article 15 of the regulation have an obligation to provide the Ministry of Transport and Communications with the documentation necessary to complete appendix VI of the regulation. Alternatively, the Ministry of Transport and Communications can instruct providers of air navigation services to complete appendix VI for one or more charging zones in which they are a service provider. The Ministry shall decide in each case who shall submit the documentation to EFTA's monitoring body and Eurocontrol.

Chapter 3 - Charges not regulated by the charging regulation

Section 11. *Terminal navigation charges*

- (1) The terminal navigation charges at Avinor's airports not covered by charging zone B shall be the same as the terminal navigation charges calculated pursuant to the charging regulation at any given time.
- (2) Avinor AS has an obligation to publish the charges mentioned in the first paragraph on the company's website.

Section 12. *En route charges for the continental shelf*

The en route charges for flights to and from the Norwegian continental shelf are:

- NOK 826.13 per flight for aircraft with a maximum permissible take-off weight of up to 8,000 kg,
- NOK 1,196.58 per flight for aircraft with a maximum permissible take-off weight of between 8,001 kg up to and including 15,000 kg, and
- NOK 1,839.10 per flight for aircraft with a maximum permissible take-off weight of 15,001 kg or more.

Chapter 4 – Collection of charges

Section 13. *Responsibility for calculating and collecting charges, etc*

- (1) Eurocontrol calculates en route charges for single flights pursuant to the rules in chapter 2. Eurocontrol's collection shall take place in accordance with the rules in this chapter.
- (2) Avinor AS calculates all charges pursuant to these regulations not covered by the first paragraph. Avinor AS's collection shall take place in accordance with the rules in chapter VI of the current regulations relating to charges at Avinor AS's airports.

Section 14. Administration fees

Eurocontrol charges an administration fee for calculating and collecting en route charges. Avinor AS shall ensure that the rate of the administration fee is publicly available at any given time.

Section 15. Exchange rate

Unless decided differently by one of the member states in Eurocontrol, the unit rate of charge shall be recalculated monthly by applying the average monthly rate of exchange between the EUR and the national currency for the month preceding the month during which the flight takes place.

The exchange rate applied shall be the monthly average of the "Closing Cross Rate" calculated by Reuters based on the daily bid rate.

Section 16. Who has an obligation to pay

The operator of the aircraft at the time when the flight was performed is liable to pay the charge.

If the identity of the operator is not known, the owner of the aircraft shall be regarded as the operator unless he proves who was the operator.

Section 17. Settlement

(1) Settlement of the charges shall take place in EUR.

(2) The amounts stated on the bills shall be paid to Eurocontrol in Brussels.

(3) Eurocontrol will nevertheless regard the payer as having discharged his obligation if the person concerned makes a payment into a bank account opened in a state that is a member of Eurocontrol or in another state. The bank concerned shall be nominated by a body with the competence to do so under the Eurocontrol convention.

(4) The amount of the charge accrues on the same day the flight is performed. Payment to Eurocontrol must be made no later than 30 days after the billing date.

Section 18. Payment

(1) The amount of the charge shall be paid in EUR.

(2) A payer who is national of an agreement state may, whenever payment is made by him into a nominated banking establishment in the state of which he is a national, discharge the debt in the convertible currency of the state concerned.

(3) When a payer avails himself of the facility referred to in the second paragraph, the conversion into the national currency of the EUR amount shall be effected at the daily exchange rate quoted for commercial transactions for the date and place of payment.

Section 19. Received payments

Payments shall be regarded as received by Eurocontrol on the value date when the amount owed is credited to Eurocontrol's nominated bank account. The value date shall be the date when the amount is available to Eurocontrol.

Section 20. *Payment enclosures*

(1) Payments shall be accompanied by a statement giving the references, dates and EUR amounts in respect of bills paid and of any credit notes deducted. The requirement to show the amounts of bills in EUR shall apply also to payers availing themselves of the facility to pay in national currency.

(2) When a payment is not accompanied by the information stated in the first paragraph, and it is therefore not stated whether the payment concerns one or more specific bills, Eurocontrol will first apply the payment to cover accrued interest and then to cover the oldest unpaid bills.

Section 21. *Claims against Eurocontrol's billing*

(1) Claims against bills must be submitted to Eurocontrol in writing or by an electronic medium previously approved by Eurocontrol. Claims must be received by Eurocontrol no later than 60 days from the date of the bill.

(2) Claims must be detailed and should be accompanied by any relevant supporting evidence.

(3) Submission of a claim by a user shall not entitle him to make any deduction from the relevant bill unless so authorised by Eurocontrol.

(4) Where Eurocontrol and a user are mutually debtor and creditor no compensation payments shall be effected without Eurocontrol's prior agreement.

Section 22. *Penalty interest*

(1) Any charge that is not paid by the last payment date shall be increased by a rate set by a body with the competence to do so pursuant to the Eurocontrol convention and published by Avinor AS. Penalty interest shall accrue day by day on overdue and unpaid amounts.

(2) The interest shall be calculated and collected in EUR.

Chapter 5 - Concluding provisions

Section 23. *Dispensations*

The Ministry of Transport and Communications may grant dispensations from the requirements of the regulations to the extent this is compatible with the requirements of the charging regulation and other obligations pursuant to the EEA Agreement.

Section 24. *Entry into force and transitional rules*

(1) These regulations shall enter into force on 1 January 2011.

(2) The Regulations of 21 December 2007 no. 1704 relating to charges for certain air navigation services shall be repealed.

Appendices

A. Terminal navigation charges zone

The total airspace in which Avinor AS provides terminal navigation charges in connection with the following airports:

- Bergen Airport Flesland
- Oslo Airport Gardermoen
- Stavanger Airport Sola
- Trondheim Airport Værnes

B. En route charges zone

The entirety of Norwegian airspace from the ground and up to and including upper airspace with the exception of flights to and from the continental shelf.
