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GENERAL NOTICE

NOTICE 3460 OF 2002

AIR TRAFFIC AND NAVIGATION SERVICES COMPANY LIMITED

AIR TRAFFIC AND NAVIGATION SERVICES COMPANY ACT, 1993 (ACT No. 45 OF 1993)

PUBLICATION OF AIR TRAFFIC SERVICE CHARGES

In terms of section 5(2)(f) of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993), it is hereby published for general notice that as from **1 April 2003 to 31 March 2004** the Air Traffic and Navigation Services Company Limited, No. 1993/004150/06, will levy the air traffic service charges set out in the Schedule by virtue of a permission issued by the Regulating Committee on 19 January 2001 in terms of section 11(5) of the said Act and published by Notice 157 of 19 January 2001.

G. VAN HEERDEN,

Chairman : Board of Directors.

18 December 2002

SCHEDULE

AIR TRAFFIC SERVICE CHARGES

1. Liability to pay air traffic service charges

(1) Subject to the provisions of these rules, air traffic service charges shall be payable by the operator of an aircraft to the Company.

(2) Air traffic service charges include, but are not limited to -

(a) an *en route* charge, payable by the operator of an aircraft in respect of a flight undertaken within any flight information region established by the Commissioner for Civil Aviation in terms of the Civil Aviation Regulations, 1997, as amended;

(b) an approach charge, payable by the operator of an aircraft in respect of any flight, which terminates at an ACSA airport or transits a Terminal Maneuvering Area (TMA) *en route* to an airport other than an ACSA airport;

(c) an air traffic service annual charge, payable in advance for the applicable year by the owner of an aircraft with a maximum certificated mass of 2 800 kilograms or less, irrespective of the nature of the flights undertaken within any flight information region established by the Commissioner for Civil Aviation in terms of the Civil Aviation Regulations, 1997, as amended.

(3) Subject to the provisions of these rules, the tariff of *en route*, approach and air traffic service annual charges shall be set out in Annexures A, B and C, respectively.

(4) The tariffs set out in these rules, including Annexures A, B and C, are exclusive of Value-Added Tax and are therefore subject to the appropriate rate as may be applicable to any specific tariff.

2. Notification of flight taking place and payment of charges

(1) As soon as an air traffic service flight plan is activated in terms of the Civil Aviation Regulations, 1997, as amended, it shall be deemed that the operator of the aircraft to which such air traffic service flight plan relates has notified the Company that the particular flight is taking place.

(2) In addition to the information required on an air traffic service flight plan in terms of the regulations referred to in subrule (1), the Company may, through the Company's representative at an ACSA airport or any air traffic service unit, request the operator of an

aircraft, upon the filing of such air traffic service flight plan or after such aircraft has landed at, or before such aircraft is to take off from an airport where Company services are rendered, to furnish to the Company for the purpose, such other information or particulars relating to -

- (a) the flight which was or is to be undertaken in terms of such air traffic service flight plan;
- (b) the aircraft with which such flight was or is to be undertaken; and
- (c) the operator of such aircraft,

which will enable the Company to calculate an air traffic service charge in respect of such flight or to deliver or post an invoice referred to in subrule (5)(c) to such operator.

(3) Upon a request contemplated in subrule (2), the operator of an aircraft shall furnish to the Company the information or particulars referred to in that subrule.

(4) Any document produced by the Company on which it is recorded that an air traffic service flight plan was activated and that a flight took place in terms of such air traffic service flight plan shall be deemed to be sufficient evidence that the particular flight took place.

(5) The operator of an aircraft which is engaged in a flight in respect of which such operator is liable to pay an air traffic service charge in terms of these rules and in the case where such flight -

- (a) terminates at an ACSA airport, shall pay such air traffic service charge to the Company's representative at that ACSA airport before that aircraft is to take off from that ACSA airport;
- (b) commences at an ACSA airport and terminates at an airport other than an ACSA airport, shall pay such air traffic service charge to the Company's representative at that ACSA airport before that aircraft is to take off from that ACSA airport;
- (c) commences and terminates at airports other than ACSA airports, shall pay such air traffic service charge to the Company within 30 days of receipt of an invoice from the Company in respect of such air traffic service charge,

unless such operator has previously entered into an agreement with the Company for payment.

(6) This rule does not apply in respect of the payment of air traffic service annual charges.

3. *En route charges*

(1) The *en route* charges prescribed in Annexure A for an aircraft engaged in a flight which commenced or terminated at an airport within one of the States mentioned in paragraph 2(b) of Annexure A and which terminated or commenced, as the case may be, at an airport within the Republic, shall only apply -

- (a) where the operator of such aircraft has the right, granted by the South African aeronautical authority, to take on passengers, cargo or mail at the airport of departure and to discharge those passengers or that cargo or mail at the airport of arrival; or
- (b) where, notwithstanding the provisions of subrule (2) -
 - (i) in the case of such aircraft leaving the Republic, the flight immediately following such flight, will terminate at an airport within the Republic; or
 - (ii) in the case of such aircraft entering the Republic, the flight immediately preceding such flight, commenced at an airport within the Republic,

irrespective of whether or not the right referred to in subparagraph (a) has been granted to the operator of that aircraft.

(2) If an aircraft is engaged in a flight between an airport within one of the States mentioned in paragraph 2(b) of Annexure A and an airport within the Republic, and the operator of that aircraft does not have the right referred to in subrule (1), then -

- (a) if such aircraft is leaving the Republic for an airport within one of the States mentioned in paragraph 2(b), the next airport where such aircraft will land and where the above-mentioned right has been granted to such operator; or
- (b) if such aircraft is entering the Republic from an airport within one of the States mentioned in paragraph 2(b), the previous airport from where such aircraft took off and where the above-mentioned right has been granted to such operator,

shall be deemed to be the other airport for the purpose of calculating the appropriate *en route* charge.

(3) *En route* charges in respect of any aircraft engaged in a flight of which the origin or destination is Australia or New Zealand shall be 20 per cent of the appropriate calculated charges as set out in Annexure A.

(4) No *en route* charge shall be payable in respect of any aircraft engaged in a flight which commences and terminates at the same airport.

4. Approach charges

(1) The approach charges prescribed in Annexure B for an aircraft engaged in a flight which commenced at an airport within one of the States mentioned in paragraph 2(b) of Annexure B, shall only apply -

- (a) where the operator of such aircraft has the right, granted by the South African aeronautical authority, to take on passengers, cargo or mail at the said airport of departure and to discharge those passengers or that cargo or mail at an ACSA airport where the flight terminated; or
- (b) where, notwithstanding the provisions of subrule (2), the flight immediately preceding such flight, commenced at an airport within the Republic, irrespective of whether or not the right referred to in subparagraph (a) has been granted to the operator of such aircraft.

(2) If an aircraft is engaged in a flight between an airport within one of the States mentioned in paragraph 2(b) of Annexure B and an ACSA airport, and the operator of that aircraft does not have the right referred to in subrule (1), then the previous airport from where such aircraft took off and where such right has been granted to such operator, shall be deemed to be the airport of departure for the purpose of calculating the appropriate approach charge when landing at that ACSA airport.

(3) A minimum approach charge of R554,00 shall be payable in respect of arrivals and departures by any operator liable to pay an approach charge during peak hours at Johannesburg International Airport, Cape Town International Airport and Durban International Airport, irrespective of the result of the application of the appropriate formula contained in Annexure B.

(4) An approach charge in respect of a helicopter shall be 20 per cent of the appropriate approach charge prescribed and set out in Annexure B, for an aircraft of equal maximum certificated mass.

(5) When an aircraft approaches an ACSA airport solely for the purpose of aircrew training, the approach charge shall be 20 per cent of the appropriate charge set out in Annexure B irrespective of the ACSA airport involved and whether or not a landing is involved in such approach.

5. General rules

(1) Air traffic service charges shall be payable in respect of South African and foreign state aircraft, unless other provision has been made by means of an agreement with the Company.

- (2) Subject to subrule (6), no air traffic service charge shall be payable in respect of an aircraft engaged in search and rescue operations.
- (3) No air traffic service charge shall be payable in respect of an aircraft engaged in any flight for the calibration of any air navigation infrastructure.
- (4) The structure of air traffic service charges shall, for the period of validity of the permission, be adjusted to ensure that tariffs are simple, fair and equitable by applying approach charges to all aircraft transiting through a TMA.
- (5) Air traffic service charges at a rate of R1 108,00 per hour or part thereof, shall be payable by an operator for the extension of existing air traffic services beyond the normal negotiated and planned service amendments as documented in the Integrated Aeronautical Information Package (IAIP).
- (6) Search mission co-ordination services shall be payable by the relevant authorities or any operator at a rate of R554,00 per hour or part thereof, where these services fall outside of the normal scope of alerting services and assistance to agencies involved in search and rescue operations, in particular where services are activated due to negligence in canceling service requests.

6. Interpretation

For the purposes of these rules, unless the context otherwise indicates -

- (a) "ACSA airport" means a company airport as defined in section 1 of the Airports Company Act, 1993 (Act No. 44 of 1993);
- (b) "aircraft" means an aircraft as defined in section 1 of the Aviation Act, 1962;
- (c) "air navigation infrastructure" means air navigation infrastructure as defined in section 1 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);
- (d) "airport" means an aerodrome as defined in section 1 of the Aviation Act, 1962, and includes an ACSA airport;
- (e) "air traffic service charge" means an air traffic service charge as defined in section 1 of the Air Traffic and Navigation Services Company Act, 1993;
- (f) "air traffic service unit" means an air traffic service unit as defined in regulation 1.00.1 of the Civil Aviation Regulations, 1997, as amended;
- (g) "Company" means the Air Traffic and Navigation Services Company Limited;
- (h) "company airport" means a company airport as defined in section 1 of the Airports Company Act, 1993 (Act No. 44 of 1993);
- (i) "Company's representative" means a person designated by the Company for the purposes of these rules;

- (j) "flight" means a flight as defined in regulation 1.00.1 of the Civil Aviation Regulations, 1997, as amended;
- (k) "maximum certificated mass" means a maximum certificated mass as defined in regulation 1.00.1 of the Civil Aviation Regulations, 1997, as amended;
- (l) "operator", in relation to an aircraft, means -
 - (i) a licensee as defined in section 1 of the Air Services Licensing Act, 1990 (Act No. 115 of 1990), or a licensee as defined in section 1 of the International Air Services Act, 1993 (Act No. 60 of 1993);
 - (ii) any airline of another State which operates a scheduled international public air transport service in terms of an air transport service agreement as contemplated in section 35(1) of the International Air Services Act, 1993, or a permit holder as defined in section 1 of the said Act; and
 - (iii) the owner of such aircraft; and
 - (iv) any person who uses an aircraft on behalf of an operator;
- (m) "owner", in relation to an aircraft, means the person in whose name such aircraft is registered, and includes any person who is or has been acting as agent in the Republic for a foreign owner;
- (n) "peak hours", in relation to arrivals and departures at -
 - (i) Johannesburg International Airport:
 - (aa) Mondays to Fridays - 04h30 to 07h30 and 13h30 to 18h00 Greenwich Mean Time (GMT);
 - (bb) Saturdays - no peak hours; and
 - (cc) Sundays - 07h00 to 09h00 and 14h00 to 18h00 Greenwich Mean Time (GMT);
 - (ii) Cape Town International Airport and Durban International Airport, the peak hours to be determined by the Company from time to time after consultation with the operator and communicated in writing to the operator;
- (o) "search mission co-ordination services" means the co-ordination of resources and organisations involved in the conduct of search and rescue operations within the search and rescue region in accordance with the South African Search and Rescue Organisation (SASAR);
- (p) "state aircraft" means any state aircraft as contemplated in article 3 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944; and
- (q) "Terminal Maneuvering Area (TMA)" means a control area normally established at the confluence of air traffic services' routes in the vicinity of one or more major aerodromes.

ANNEXURE A**EN ROUTE CHARGES**

1. An *en route* charge shall be calculated according to the following appropriate formula:
 - (a) In respect of an aircraft with a maximum certificated mass of 2 800 kilograms or less:
0;
 - (b) in respect of an aircraft with a maximum certificated mass of more than 2 800 kilograms but less than 8 500 kilograms:
 $(Py(M-2\ 000))-(0,00284M)+25,39$;
 - (c) in respect of an aircraft with a maximum certificated mass of 8 500 kilograms or more:
 $(C+(D(\sqrt{M-5\ 700})))y/2\ 690$.
2. A minimum *en route* charge of R22,16 shall be payable by any operator of an aircraft with a maximum certificated mass of more than 2 800 kilograms liable to pay an *en route* charge irrespective of the result of the application of the appropriate formula.
3. The values of C, D and P are, for an aircraft which has been engaged in a flight -
 - (a) where both the airport of departure and the airport of arrival of such aircraft were within the Republic:

C	D	P
R351,80	R11,72	R55,59/1 000 000;

- (b) where either the airport of departure or the airport of arrival of such aircraft was within the Republic, and the other airport was within Botswana, Lesotho, Namibia or Swaziland:

C	D	P
R527,75	R17,62	R83,41/1 000 000;

- (c) where either the airport of departure or the airport of arrival of such aircraft was within the Republic, and the other airport was within any State other than those mentioned in subparagraphs (a) and (b):

C	D	P
R703,65	R23,46	R111,23/1 000 000;

- (d) where neither the airport of departure nor the airport of arrival of such aircraft was within the Republic, but one of such airports was within any State mentioned in subparagraph (b):

C	D	P
R527,75	R17,62	R83,41/1 000 000;

- (e) where neither the airport of departure nor the airport of arrival of such aircraft was within the Republic, and both such airports were within any State other than those mentioned in subparagraphs (a) and (b):

C	D	P
R703,65	R23,46	R111,23/1 000 000.

4. In any formula contained in this Annexure:

M = maximum certificated mass in kilograms

y = flight distance.

5. Flight distance shall be measured on the basis of the great circle distance in nautical miles (rounded to the nearest nautical mile) along that portion of the flight path of an aircraft which is within the boundaries of the South African flight information region.
6. For the purposes of paragraph 5, "South African flight information region" means the geographical area consisting of the flight information regions of Johannesburg, Cape Town and Johannesburg Oceanic.

ANNEXURE B**APPROACH CHARGES**

1. An approach charge shall be calculated according to the following appropriate formula:
 - (a) In respect of an aircraft with a maximum certificated mass of 2 800 kilograms or less:
 - (i) At Johannesburg International Airport –
 - (aa) in respect of an aircraft with a maximum certificated mass of less than 2 000 kilograms:
20,59;
 - (bb) in respect of an aircraft with a maximum certificated mass of 2 000 kilograms or more but less than 2 800 kilograms:
 $(S(M-2\,000))+20,59$;
 - (ii) at an ACSA airport other than Johannesburg International Airport;
0;
 - (b) in respect of an aircraft with a maximum certificated mass of more than 2 800 kilograms but less than 8 500 kilograms:
 $(S(M-2\,000))+20,59$;
 - (c) in respect of an aircraft with a maximum certificated mass of 8 500 kilograms or more:
 $A+(B(\sqrt{(M-5\,700)}))$.
2. A minimum approach charge of R22,16 shall be payable by any operator of an aircraft with a maximum certificated mass of more than 2 800 kilograms liable to pay an approach charge irrespective of the result of the application of the appropriate formula.
3. The values of A, B and S are, for an aircraft which has been engaged in a flight where the airport of departure of such aircraft –

(a) was within the Republic:

A
R58,66

B
R41,19/10

S
R3,91/100;

(b) was within Botswana, Lesotho, Namibia or Swaziland:

A
R87,96

B
R61,72/10

S
R6,06/100;

(c) was within any State other than those mentioned in subparagraphs (a) and (b):

A
R117,29

B
R82,37/10

S
R8,18/100.

3. In any formula contained in this Annexure:

M = maximum certificated mass in kilograms.

ANNEXURE C**AIR TRAFFIC SERVICE ANNUAL CHARGES**

1. The following air traffic service annual charge is payable:
 - (a) For each aircraft with a maximum certificated mass of 450 kilograms or less:
R0,00;
 - (b) for each aircraft with a maximum certificated mass of more than 450 kilograms but not more than 2 000 kilograms:
R250,00;
 - (c) for each aircraft with a maximum certificated mass of more than 2 000 kilograms but not more than 2 800 kilograms:
R2 000,00.
 2. The owner of an aircraft shall pay the applicable air traffic service annual charge to the Company within 30 days of receipt of an invoice from the Company in respect of such annual charge.
 3. The air traffic service annual charge attaches to an aircraft and thus transfers automatically if the owner of the aircraft changes in a particular year.
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