



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

Vol. 474    Pretoria    31    December    2004    **No. 27145**



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

---

## GENERAL NOTICE

---

### NOTICE 2982 OF 2004

#### 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), and after consultation with the users concerned, it is hereby published for general notice that as from 1 April 2005 to 31 March 2006 the Air Traffic and Navigation Services Company Limited, No. 1993/004150/06, will levy the air traffic service charges according to the rules set out in the Schedule.

**M.M. MABASA,**

Chairman : Board of Directors.

December 2004

**SCHEDULE**  
**AIR TRAFFIC SERVICE CHARGES**

**1. Interpretation**

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

- (a) "ACSA" means Airports Company South Africa Limited;
- (b) "ACSA airport" means a company airport as defined in section 1 of the Airports Company Act, 1993 (Act No. 44 of 1993);
- (c) "aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface, and includes any non-type certificated aircraft;
- (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 amount levied by the Company on the operator of an aircraft in connection with the provision of air traffic services to that operator;
- (f) "air traffic service unit" means an air traffic service control unit, flight information centre or air traffic service reporting office;
- (g) "ATM" means Air Traffic Management;
- (h) "Air Traffic Management (ATM) Services" includes without limitation:
  - (i) Airspace organisation and management services;
  - (ii) information management services;
  - (iii) alerting services;
  - (iv) advisory services;
  - (v) conflict management services;
  - (vi) traffic synchronisation services; and
  - (vii) demand and capacity balancing services;
- (i) "BSC" means Business Sustaining Cost;
- (j) "Civil Aviation Regulations" means the Civil Aviation Regulations, 1997, as amended;
- (k) "Company" means Air Traffic and Navigation Services Company Limited;
- (l) "Company Representative" means a person designated by the Company for the purposes of these Rules;
- (m) "FACT" means Cape Town International Airport;
- (n) "FADN" means Durban International Airport;
- (o) "FAJS" means Johannesburg International Airport;

- (p) “FC” means Fixed Cost;
- (q) “flight” means from the moment an aircraft commences its take-off until the moment it completes its next landing;
- (r) “maximum certificated mass” means the maximum permissible mass shown in the aircraft flight manual or other document associated with the certificate of airworthiness at which an aircraft may commence its take-off under standard atmospheric conditions at sea level;
- (s) “MCM” means maximum certificated mass;
- (t) “movement” means the passage of a flight through any aerodrome airspace, TMA airspace or area (*en route*) airspace, so that for charging purposes, the flight is made up of a number of movements;
- (u) “non-type certificated aircraft” includes without limitation any amateur-built, production-built, ex-military and vintage aircraft;
- (v) “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;
  - (iii) the owner of such aircraft; and
  - (iv) any person who uses an aircraft on behalf of an operator;
- (w) “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 South Africa for a foreign owner;
- (x) “South African flight information region” means the geographical area consisting of the flight information regions of Johannesburg, Cape Town and Johannesburg Oceanic;
- (y) “South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002);
- (z) “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;
- (aa) “Terminal Control Area” means a control area normally established at the confluence of air traffic service routes in the vicinity of one or more ACSA airports;
- (bb) “TMA” means Terminal Control Area; and
- (cc) “VC” means Variable Cost.

## 2. Right to levy charges

The Company is entitled to levy air traffic service charges by virtue of a permission issued by the Regulating Committee on 1 December 2003 in terms of section 11(5) of the Air Traffic and Navigation Services Company Act, 1993, and published by Notice 1752 of 1 December 2003.

## 3. Charges

There are three air traffic service charges:

- (a) an Aerodrome Charge, payable for ATM Services specific to aerodrome airspace and maneuvering area provided by the Company in respect of a flight that departs from or terminates at an ACSA airport;
- (b) a TMA Access Charge, payable for ATM Services specific to terminal airspace provided by the Company in respect of a flight that transits, or that is undertaken within, the TMA of an ACSA airport;
- (c) an Area Charge, payable for ATM Services specific to area (*en route*) airspace provided by the Company in respect of a flight undertaken within a flight information region established by the Commissioner for Civil Aviation in terms of the Civil Aviation Regulations.

## 4. Cost components

4.1 Charges consist of the following cost components:

- (a) **A** Variable Cost component (VC);
- (b) **a** Business Sustaining Cost component (BSC); and
- (c) a Fixed Cost component (FC).

4.2 VCs are treated as follows:

- (a) VCs are charged for each flight undertaken at a standard rate per movement;
- (b) VCs are the same for Aerodrome Charges, TMA Access Charges and Area Charges.

4.3 BSCs are treated as follows:

- (a) BSCs are charged for each movement undertaken in relation to the MCM of an aircraft;

- (b) BSCs are the same for Aerodrome Charges, TMA Access Charges and Area Charges.

#### 4.4 FCs are treated as follows:

- (a) FCs are charged for each movement undertaken in relation to the MCM of an aircraft, and for Area Charges, also in relation to flight distance;
- (b) Aerodrome Charges, TMA Access Charges and Area Charges each have a unique FC.

### 5. Independent variables

For purposes of charging, the independent variables of the tariff formulas set out in the Appendix, are the following:

- (a) Published MCM expressed in kilograms;
- (b) flight distance (d), 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. Mass categories

The following aircraft mass categories apply:

- (a) Aircraft with a MCM of 1 200 kilograms or less are not charged, except for Aerodrome and TMA Access at FAJS, FACT and FADN, in which case the following is charged:
- (i) VC per movement;
- (ii) BSC as if the aircraft's MCM were 1 201 kilograms; **and**
- (iii) a minimum FC;
- (b) aircraft with a MCM of more than 1 200 kilograms up to and including 5 000 kilograms are charged as follows:
- (i) for Area:
- (aa) VC per movement;
- (bb) BSC based on MCM; and
- (cc) FC based on MCM and d;
- (ii) for Aerodrome and TMA Access at FAJS, FACT and **FADN**:
- (aa) VC per movement;
- (bb) BSC based on MCM; and
- (cc) a minimum FC;

- (iii) for Aerodrome and TMA Access at ACSA airports other than FAJS, FACT and FADN:
  - (aa) VC per movement;
  - (bb) BSC based on the square root of MCM; and
  - (cc) FC based on MCM;
- (c) aircraft with a MCM of more than than 5 000 kilograms are charged as follows:
  - (i) VC per movement;
  - (ii) BSC based on the square root of MCM; and
  - (iii) FC based on the square root of MCM, and for Area Charges, also based on d.

## 7. Origin-destination differentiation

### 7.1 Differentiation applies in respect of the following flights:

- (a) A domestic flight, which is a flight undertaken by an aircraft where both the airport of departure and the airport of arrival of the aircraft are within South Africa;
- (b) a regional flight, which is a flight undertaken by an aircraft where either the airport of departure or the airport of arrival of the aircraft is within Botswana, Lesotho, Namibia or Swaziland, and the other airport is within South Africa or within Botswana, Lesotho, Namibia or Swaziland;
- (c) an international flight, which is a flight undertaken by an aircraft where either the airport of departure **or** the airport of arrival of the aircraft is within any State other than Botswana, Lesotho, Namibia **or** Swaziland, and the other airport is within South Africa or elsewhere.

7.2 All tariff cost components, except the minimum FC in respect of an aircraft with a MCM of 5 000 kilograms or less for Aerodrome and TMA Transit at FAJS, FACT and **FADN** (where a minimum, non-differentiated FC applies), are differentiated as set out in the Appendix.

## 8. Formulas and coefficients

Subject to these Rules, the tariff formulas and tariff coefficients are set out in the Appendix.

**9. Notification of flight taking place and payment of charges**

**9.1** As soon as an air traffic service flight plan is activated in terms of the Civil Aviation Regulations, it is deemed that the operator of the aircraft to which the air traffic service flight plan relates has notified the Company that the particular flight is taking place.

**9.2** In addition to the information required on an air traffic service flight plan in terms of the Civil Aviation Regulations, the Company may, through the Company Representative at an ACSA airport or any air traffic service unit, request the operator of an aircraft, upon the filing of the air traffic service flight plan or after the aircraft has landed at, or before the aircraft is to take off from a Company-controlled airport, 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 the air traffic service flight plan;
- (b) the aircraft with which the flight was or is to be undertaken; and
- (c) the operator of the aircraft,

which will enable the Company to calculate an air traffic service charge in respect of the flight or to deliver or post an invoice to the operator.

**9.3** Upon a request contemplated in rule **9.2** above, the operator of an aircraft must furnish to the Company the information or particulars referred to in that rule.

**9.4** 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 the air traffic service flight plan is deemed to be sufficient evidence that the particular flight took place.

**9.5** The operator of an aircraft which is engaged in a flight in respect of which the operator is liable to pay an air traffic service charge in terms of these Rules and in the case where the flight –

- (a) terminates at an ACSA airport, must pay the air traffic service charge to the Company 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, must pay the air traffic service charge to the Company 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, must pay the air traffic service charge to the Company within **30** days of receipt of an invoice from the Company in respect of the air traffic service charge,

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

## **10. General rules, exemptions and exceptions**

- 10.1 The tariffs set out in these Rules, including the Appendix, are exclusive of Value-Added ~~Tax~~ and are therefore subject to the appropriate rate applicable to any specific tariff.
- 10.2 Air traffic service charges are payable by the operator of an aircraft to the Company.
- 10.3 Air traffic service charges are payable in respect of South African and foreign state aircraft, unless other provision has been made by means of an agreement with the Company.
- 10.4 Air traffic service charges are payable in respect of helicopters, except at FAJS where no TMA Access Charge is levied.
- 10.5 No air traffic service charge is payable in respect of an aircraft engaged in any flight for the calibration of any air navigation infrastructure.
- 10.6 Air traffic service charges are payable in respect of an aircraft engaged in emergency medical service operations, unless exempted on a case-by-case basis by means of an agreement with the Company.
- 10.7 Subject to rule 10.9 below, no air traffic service charge is payable in respect of an aircraft requisitioned for and engaged in search and rescue operations in terms of the South African Maritime and Aeronautical Search and Rescue Act.
- 10.8 Air traffic service charges are payable in respect of an aircraft engaged in search and rescue operations, which aircraft has not been requisitioned in terms of the South African Maritime and Aeronautical Search and Rescue Act, unless exempted on a case-by-case basis by means of an agreement with the Company.
- 10.9 Search mission co-ordination services are payable by the relevant authority or any operator at a rate of R760.70 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 operationsa, in particular where services are activated due to negligence in cancelling service requests.

- 10.10 Aerodrome Charges and TMA Access Charges are payable in respect of Aerodrome and TMA Access movements solely for the purpose of aircrew training at a discount of 50% of the applicable standard Aerodrome Charge or standard TMA Access Charge. At FAJS, FACT and FADN, this discount will be phased out **over** five years.
- 10.11 For oceanic flights over the Indian Ocean or the Atlantic Ocean, the **FC** component **of** the Area Charge is 50% of the standard Area Charge.
- 10.12 Extended air traffic service charges at a rate of R1 521.41 per hour or part thereof, are 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)**.

**APPENDIX**  
**TARIFF FORMULAS AND COEFFICIENTS**

1. A charge is composed of the sum of VC, BSC and FC for each discrete Aerodrome, TMA Transit and Area movement undertaken, according to the following mass categories and locations:

Mass	Airport	Cost Component	Formulas & Coefficients		
			Aerodrome Charge	TMA Access Charge	Area Charge
≤ 1 200 kg	FAJS, FACT & FADN	VC	R13,43	R13,43	R0,00
		BSC	$R95,94/10\ 000.1\ 201$	$R95,94/10\ 000.1\ 201$	R0,00
		FC	R51,47	R89,25	R0,00
	Other Airports	VC	R0,00	R0,00	R0,00
		BSC	R0,00	R0,00	R0,00
		FC	R0,00	R0,00	R0,00
1 200 kg > MCM ≤ 5 000 kg	FAJS, FACT & FADN	VC	R13,43	R13,43	R13,43
		BSC	$R95,94/10\ 000.MCM$	$R95,94/10\ 000.MCM$	$R95,94/10\ 000.MCM$
		FC	R51,47	R89,25	$R11,78/100\ 000.MCM.d$
	Other Airports	VC	R13,43	R13,43	R13,43
		BSC	$R95,94/10\ 000.MCM$	$R95,94/10\ 000.MCM$	$R95,94/10\ 000.MCM$
		FC	$R10,29/1\ 000.MCM$	$R17,85/1\ 000.MCM$	$R11,78/100\ 000.MCM.d$
> 5 000 kg	All Airports	VC	R13,43	R13,43	R13,43
		BSC	$R67,84/100.\sqrt{MCM}$	$R67,84/100.\sqrt{MCM}$	$R67,84/100.\sqrt{MCM}$
		FC	$R72,79/100.\sqrt{MCM}$	$R126,22/100.\sqrt{MCM}$	$R83,33/10\ 000.dMCMd$

2. Each Rand-value coefficient in the table above is multiplied by –

- (a) **73%** for a domestic flight;
- (b) **100%** for a regional flight; and
- (c) **127%** for an international flight,

except in the case of FCs for Aerodrome and TMA Transit charges at FAJS, FACT and FADN for aircraft of MCM ≤ 5 000 kg where the coefficient as stated in the table applies.

3. As an illustration, assume the following flights:

**Example 1**

Domestic flight from **FAJS** to **FACT**, with aircraft with MCM = 100 000 kg and d = 686 miles

$$\begin{aligned}
 \text{Charge} &= [\text{Aerodrome Charge at FAJS} + \text{TMA Access Charge at FAJS} + \text{Area Charge} + \text{TMA} \\
 &\quad \text{Access Charge at FACT} + \text{Aerodrome Charge at FACT}].73\% \\
 &= [[\text{VC}_{\text{Aero}} + \text{BSC}_{\text{Aero}} + \text{FC}_{\text{Aero}}] + [\text{VC}_{\text{TMA}} + \text{BSC}_{\text{TMA}} + \text{FC}_{\text{TMA}}] + [\text{VC}_{\text{Area}} + \text{BSC}_{\text{Area}} + \text{FC}_{\text{Area}}] \\
 &\quad + [\text{VC}_{\text{TMA}} + \text{BSC}_{\text{TMA}} + \text{FC}_{\text{TMA}}] + [\text{VC}_{\text{Aero}} + \text{BSC}_{\text{Aero}} + \text{FC}_{\text{Aero}}]].73\% \\
 &= [[\text{R13,43} + (\text{R67,84}/100 \cdot \sqrt{100\ 000}) + (\text{R72,79}/100 \cdot \sqrt{100\ 000})] + [\text{R13,43} + \\
 &\quad (\text{R67,84}/100 \cdot \sqrt{100\ 000}) + (\text{R126,22}/100 \cdot \sqrt{100\ 000})] + [\text{R13,43} + (\text{R67,84}/100 \cdot \sqrt{100\ 000}) + \\
 &\quad (\text{R83,33}/10\ 000 \cdot \sqrt{100\ 000 \cdot 686})] + [\text{R13,43} + (\text{R67,84}/100 \cdot \sqrt{100\ 000}) + (\text{R126,22}/100 \cdot \\
 &\quad \sqrt{100\ 000})] + [\text{R13,43} + (\text{R67,84}/100 \cdot \sqrt{100\ 000}) + (\text{R11,78}/100\ 000 \cdot 4\ 500 \cdot 211)].73\% \\
 &= [(\text{R13,43} \cdot 5) + (\text{R67,84}/100 \cdot \sqrt{100\ 000} \cdot 5) + (\text{R72,79}/100 \cdot \sqrt{100\ 000} \cdot 2) + (\text{R126,22}/100 \cdot \\
 &\quad \sqrt{100\ 000} \cdot 2) + (\text{R83,33}/10\ 000 \cdot \sqrt{100\ 000 \cdot 686})].73\% \\
 &= \text{R3 070,48}
 \end{aligned}$$

**Example 2**

International flight from **FAJS** to international gateway, with aircraft with MCM = 4 500 kg and d = 2 111 miles

$$\begin{aligned}
 \text{Charge} &= [\text{Aerodrome Charge at FAJS} + \text{TMA Access Charge at FAJS} + \text{Area Charge}].127\% \\
 &= [[\text{VC}_{\text{Aero}} + \text{BSC}_{\text{Aero}}] \cdot 127\% + \text{FC}_{\text{Aero}}] + [[\text{VC}_{\text{TMA}} + \text{BSC}_{\text{TMA}}] \cdot 127\% + \text{FC}_{\text{TMA}}] + [\text{VC}_{\text{Area}} + \\
 &\quad \text{BSC}_{\text{Area}} + \text{FC}_{\text{Area}}].127\% \\
 &= [[\text{R13,43} + (\text{R95,94}/10\ 000 \cdot 4\ 500)].127\% + \text{R51,47}] + [[\text{R13,43} + (\text{R95,94}/10\ 000 \cdot \\
 &\quad 4\ 500)].127\% + \text{R89,25}] + [\text{R13,43} + (\text{R95,94}/10\ 000 \cdot 4\ 500) + (\text{R11,78}/100\ 000 \cdot \\
 &\quad 4\ 500 \cdot 211)].127\% \\
 &= [(\text{R13,43} \cdot 3) + (\text{R95,94}/10\ 000 \cdot 4\ 500 \cdot 3) + (\text{R11,78}/100\ 000 \cdot 4\ 500 \cdot 211)].127\% + \text{R51,47} + \\
 &\quad \text{R89,25} \\
 &= \text{R498,43}
 \end{aligned}$$