SCHEDULE

AIR TRAFFIC SERVICE CHARGES

1. Interpretation

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

(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;

(c) "ACSA TMA airspace" means TMA airspace associated with an ACSA airport, but in which may also be non-ACSA airports;

(d) "area (*en route*) airspace" means airspace that excludes -

  (i) aerodrome airspace;

  (ii) TMA airspace; and

  (iii) FIS-only airspace, when the Company has determined its dimensions;

(e) "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;

(f) "airport" means an aerodrome as defined in section 1 of the Aviation Act, 1962 (Act No. 74 of 1962), and includes an ACSA airport;

(g) "Airports Company Act" means the Airports Company Act, 1993 (Act No. 44 of 1993), as amended;

(h) "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;

(i) "air traffic service unit" means an air traffic control unit, flight information centre or air traffic service reporting office;

(j) "ATM" means air traffic management;

(k) "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;

  (vii) flight information services; and

(viii) demand and capacity balancing services;

(l) "BSC" means business sustaining cost;

(m) "Civil Aviation Regulations" means the Civil Aviation Regulations, 1997, as amended;

(n) "Company" means Air Traffic and Navigation Services Company Limited;

(o) "Company representative" means a person designated by the Company for the purposes of these Rules;

(p) "d" means flight distance;

(q) "FAJS" means OR Tambo International Airport;

(r) "FAKN" means Kruger Mpumalanga International Airport;

(s) "FARB" means Richards Bay Airport;

(t) "FC" means fixed cost;

(u) "FIS-only airspace" means airspace in which flight information services are provided exclusively;

(v) "flight" means from the moment an aircraft commences its take-off until the moment it completes its next landing;

(w) "gateway" means the point of entry into or exit from the South African flight information region;

(x) "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;

(y) "MCM" means maximum certificated mass;

(z) "movement" means a flight, or a portion of a flight, through any aerodrome airspace, TMA airspace or area (*en route*) airspace;

(aa) "non-type certificated aircraft" includes without limitation any amateur-built, production-built, ex-military and vintage aircraft;

(bb) "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), as amended, or a licensee as defined in section 1 of the International Air Services Act, 1993 (Act No. 60 of 1993), as amended;

(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;

(cc) "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;

(dd) "Regulating Committee" means the Regulating Committee established by section 11 of the Airports Company Act;

(ee) "South African flight information region" means the geographical area consisting of the flight information regions of Johannesburg, Cape Town and Johannesburg Oceanic;

(ff) "South African Maritime and Aeronautical Search and Rescue Act" means the South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002);

(gg) "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;

(hh) "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;

(ii) "TMA" means terminal control area; and

(jj) "VC" means variable cost.

2. Right to levy air traffic service 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. Air traffic service charges

3.1 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 takes off from or lands 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 departs from or arrives at ACSA TMA airspace, where the airport of origin or destination is within that ACSA TMA airspace;

(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 d within Company managed airspace;

(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) 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, from the take-off airport or gateway to the landing airport or gateway. It excludes distance flown in the ACSA TMA airspace above the take-off or landing airport or the TMA airspace above FAKN or FARB, which TMA airspace is for charging purposes a radius of 35 nautical miles around the airport, irrespective of the actual radius.