

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on a Common Charging Scheme for Air Navigation Services



MAIN PAGE

1. ORGANISATION COMMENTING

Organisation Name:	 AOPA Austria	
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2. GENERAL RESPONSE²

Acceptable without amendment:	<input type="checkbox"/>
Acceptable but would be improved with amendments:	<input type="checkbox"/>
Not acceptable but would be acceptable with amendments:	<input checked="" type="checkbox"/>
Not acceptable under any circumstances:	<input type="checkbox"/>

3. **SPECIFIC COMMENTS:** See pro forma over page.

4. COMPOSITION OF RESPONSE

This response consists of the following:

This Page **PLUS** (enter number) attached comments sheets.

5. **CONSENT TO PUBLISH NAME:** *I agree to my name/organisation being included in a list of those that responded to the Consultation: YES³*

6. VALIDATION

Name: Peter Schmidleitner **Position:** Head of Working Group
Flight Operations,
AOPA Austria

Signature: Electronic transmission, no personal signature. **Date:** 06.09.2004

¹ This is the person who is to be contacted directly to discuss or clarify the submitted comments. A single point of contact is requested.

² Show your overall acceptance position on Enclosure 2 by an 'X' in the appropriate response box.

³ Comments will be published without reference to their source. However a separate list of those who provided comments will be published to demonstrate the scope of the consultation.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on a Common Charging Scheme for Air Navigation Services



COMMENTS SHEET⁴

Organisation Name:

AOPA Austria



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Paragraph Reference
(Article/Recital etc):

Article 1

Comment: The Scope is too wide

Generally, this article would be acceptable if it was applied to commercial transport movements (ATM) and to other IFR traffic excluding private/non commercial operations in aircraft with a MTOM \leq 2 metric tons. 10,000 flights should be [50,000] flights. 10,000 movements equals 27 movements a day. Most GA/AW aerodromes would fall into this level of activity.

Reason(s) for Comment:

GA/AW operations are non-revenue earning flights, the cost of which is covered by the individual's taxed income. GA/AW pays duty and tax (VAT) on the fuel it uses. The airlines pay no tax on AVTUR and pass on all charges to the fare paying passenger.

In effect the lack of duty on AVTUR is a subsidy by the Member States in support of air transport. This annually is equal to billions of Euros. This subsidy is further enhanced by the States because VAT is not applied to the sale of airline tickets.

Proposed Change/Text (where applicable):

Paragraph (3) Art.1 last sentence – this Regulation shall not apply to air navigation services made at aerodromes with less than [50,000] CAT movements annually or to aircraft with a MTOM \leq 2 tonnes.

⁴ This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

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COMMENTS SHEET⁵

Organisation Name:

AOPA Austria



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Paragraph Reference
(Article/Recital etc):

Article 2

Comment:

The list of Definitions as set out in Article 2 needs to add the Definition of General Aviation and Aerial Work (GA/AW) and for Commercial Air Transport Operations (CAT).

Reason(s) for Comment:

It is important for any readers of Article 2 to understand the differences.

Proposed Change/Text (where applicable):

Suggest that you apply the ICAO Definitions of GA & AW and CAT.

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COMMENTS SHEET⁶

Organisation Name:

AOPA Austria



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Paragraph Reference
(Article/Recital etc):

Article 3

Comment:

In Article 3 there are 10 paragraphs some with sub paragraphs dealing with the determination of costs, i.e. staff, admin, capital employed etc, all of which appear to be reasonable. However, with different ANSP's in Europe there are many different applications e.g. France -v- Germany. Not all ANSPs have been separated from the Regulator – on paper, yes, but not necessarily in practice.

We are concerned that in charging for VFR flights either on a per flight basis or by an annual charge that due consideration to the pros and cons has not been given. None of the proposed articles or supporting documents provide information in respect of inter European VFR flights and determination of costs. The RIA does not provide enough detail for us to make a detailed analysis of any impact – nor does RIA show what the positive benefits of such a charging scheme might be.

Reason(s) for Comment:

The different ANSPs across Europe will have different social/economic issues e.g. Greece -v- Germany. This is reflected in the different unit rates. It is difficult to see how true transparency will be achieved. Most of the costs associated with GA/AW operations are marginal and we are concerned that any additional charges would stifle GA/AW activities. VFR means visual flight rules. Generally ANSPs do not provide sophisticated services to VFR operations. The ICAO airspace classification details which category of airspace requires which service.

Proposed Change/Text (where applicable):

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COMMENTS SHEET⁷

Organisation Name:

AOPA Austria



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Paragraph Reference
(Article/Recital etc):

Article 4

Comment:

Our current understanding is that SES only has political agreement on its application above FL285. Yet the proposed articles include aerodromes and the facilities they provide. AOPA Austria understands that the needs of fare paying passengers need to be met in order to establish a safe system but GA/AW does not require the same level of resource to be applied, therefore any charging scheme levelled at GA/AW should only be marginal. This includes AIS and MET – SAR facilities must not be included in the costs to airspace users as it is not an air navigation service.

VFR operations do not depend on the existing infrastructure of DME's, VOR's and NDB – in fact most GA/AW pilots today use GPS – freely! GA/AW must not be required to pay for services it does not use or need.

Reason(s) for Comment:

Not a single VOR/DME or ILS has been established to support GA/AW operations – at the same time more and more airspace has been given away to support CAT operations which use these facilities for commercial gain. GA/AW is being priced out of regional airports making IR training/practice costly and ultimately less safe.

SAR – the main user of this service appears to be hill walkers and yacht owners, not GA/AW.

Proposed Change/Text (where applicable):

Paragraph 9 (proposed). ICAO Class F&G airspace should not be considered as chargeable volumes of airspace as they reflect the level of service provision. CTRs & Class E & D airspace should not apply charges to VFR flights or sub 2 tonnes private IFR flights. ICAO set the minimum service level to be applied in these categories.

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CONSULTATION TITLE: Draft SES Implementing Rule on a Common Charging Scheme for Air Navigation Services



COMMENTS SHEET⁸

Organisation Name:

AOPA Austria



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Paragraph Reference
(Article/Recital etc):

Article 5

Comment:

It is extremely difficult to see how, on a Pan European basis, one could apply charges for VFR flights that are supported by a Pan European collection system. AOPA Austria believes that it would cost more to collect the charge itself than what could reasonably be charged. If Member States elected to make an annual charge for GA/AW aircraft on their register, would bilateral agreements be required in order to enable the freedom of movement throughout the community?

Reason(s) for Comment:

IAOPA does not believe that GA/AW's cost to ANSPs is anything more than marginal and that any charge applied would be discriminatory and unfair. The taxes paid by GA/AW need to be considered too. If these are taken into account the charge to GA/AW should be very small thereby making any collection system more costly. Basically the cost of collection per flight will be more than the charge itself. Aerodrome charges should be considered on a separate basis given the wide variety of aerodromes in Europe.

Proposed Change/Text (where applicable):

Additional paragraph – (7) that no charges will be applied to Class F&G airspace as F&G airspace is not considered as a chargeable volume of airspace under this Regulation. Nor to sub 2 tonne aircraft operating VFR or IFR in other Classes of airspace.

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on a Common Charging Scheme for Air Navigation Services



COMMENTS SHEET⁹ Charging Principle

Organisation Name:

AOPA Austria



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Paragraph Reference
(Article/Recital etc):

Article 6

Comment:

In essence this article highlights the basic lack of understanding that exists – it assumes that GA/AW flights go in straight lines point to point. However, many GA/AW (VFR) flights depart/arrive at the same aerodrome – training flights for example – therefore it is difficult to see how a route may be calculated on a per flight basis. An annual charge means paying for a service you might use i.e. because it is there. How will VFR distances be calculated on a daily basis? What kind of reporting system will be put in place? IAOPA does not believe that enough work has been done in considering the implications of Article 6 on Europe's GA/AW Community.

Fundamentally, it is wrong to charge for services that are not required! VFR pilots are not trained to fly to IFR Standards therefore VORs, DMEs etc., as well as GPS, is only a back-up to visual navigation. Their use is not mandatory for VFR flights.

Reason(s) for Comment:

GA/AW is an important part of civil aviation – if any charges are made the user is entitled to receive a service. If GA/AW (50,000 plus aircraft in Europe) were to start demanding a service, air traffic would not be able to cope. As is the case today ANSPs give priority to airlines.

Paying for using the airspace, if adopted as suggested, would go hand in hand with GA/AW's right to have access to all of Europe's airspace! If GA/AW is required to pay for using the airspace then failure to deliver a service should result in rebates.

Proposed Change/Text (where applicable):

Remove Paragraphs 4 & 5.

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CONSULTATION RESPONSE SHEET

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COMMENTS SHEET¹⁰ Adoption and approval of unit rates

Organisation Name:

AOPA Austria



Form No.

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Paragraph Reference
(Article/Recital etc):

Article 8

Comment:

We have concerns over the Member States' ability to determine a fair and equitable unit rate for VFR flights on a Pan European basis.

Reason(s) for Comment:

The charging scheme/approval of unit rates is based on existing experience whilst at the same time seeking to expand on the number of operators charged.

Proposed Change/Text (where applicable):

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on a Common Charging Scheme for Air Navigation Services



COMMENTS SHEET¹¹

Organisation Name:

AOPA Austria



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Paragraph Reference
(Article/Recital etc):

Article 9

Comment:

Incentives are good as they seek to encourage development of news systems i.e. ASAS (Airborne Separation Assurance System).

What kind of incentives are perceived for GA/AW operations?

Reason(s) for Comment:

Not all users will be able to benefit from incentives yet all users are likely to have contributed to the overall cost of the system.

Proposed Change/Text (where applicable):

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CONSULTATION RESPONSE SHEET

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COMMENTS SHEET¹² Economic Oversight

Organisation Name:

AOPA Austria



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Paragraph Reference
(Article/Recital etc):

Article 10

Comment:

The suggestion of an impartial economic regulator is to be welcomed. However, we are concerned with the prejudice that currently exists, which effectively means CAT has priority over all other airspace users.

Where a service is not available to GA/AW, or not provided, rebates must be available.

Reason(s) for Comment:

As experience shows, GA/AW in many cases is not treated equally – past history supports this position.

Proposed Change/Text (where applicable):

Paragraph 5 “That Member States establish in conjunction with the Regulator an “Airspace Finance Advisory Committee” (AFAC) to include representatives from all airspace users.

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COMMENTS SHEET¹³

Organisation Name:

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Paragraph Reference
(Article/Recital etc):

Article 14

Comment:

Exemption would only apply to those volumes of airspace that have been deemed as chargeable – statistically GA/AW only accounts for between 3% - 5% of all Europe's IFR flights and those under 2 tonnes currently are exempt. Where is the need to change the current safe system?

Reason(s) for Comment:

Article 14 does not deal with VFR exemptions. It is illogical to say that a State can grant an exemption but then has to pay for it!

Proposed Change/Text (where applicable):

Paragraph 3 should include the words 'where services have been provided' in airspace which has been determined as a chargeable volume.

Paragraph 4 should relate only to the cost of exempted flights where a cost has been identified.

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CONSULTATION RESPONSE SHEET

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COMMENTS SHEET¹⁴ Enforcement

Organisation Name:

AOPA Austria



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Paragraph Reference
(Article/Recital etc):

Article 15

Comment:

As some legal systems permit business to trade out of debt, the denial of air navigation services would seem to infringe the business right to continue trading (i.e. Chapter 11). The denial of air navigation services must not happen to aircraft in flight.

Reason(s) for Comment:

Denial of proper air navigation services to an aircraft in flight has serious safety implications.

Proposed Change/Text (where applicable):

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