



STATUTORY INSTRUMENTS

S.I. No. 570 of 2008



AVIATION REGULATION ACT 2001 (LEVY NO. 9) REGULATIONS
2008

(Prn. A8/2037)

AVIATION REGULATION ACT 2001 (LEVY NO. 9) REGULATIONS
2008

The Commission for Aviation Regulation in exercise of the powers conferred on it by section 23 of the Aviation Regulation Act 2001 (No. 1 of 2001) hereby makes the following regulations:

1. These Regulations may be cited as the Aviation Regulation Act 2001 (Levy No. 9) Regulations 2008.

2. In these Regulations—

“appropriate portion” means the portion of the estimated total amount of the levy which is due to be paid by the class of undertaking in the levy year;

“air carrier” means an air transport undertaking with a valid operating licence;

“airport authority” has the meaning assigned to it by the Air Navigation and Transport (Amendment) Act, 1998;

“category A licence” means an operating licence issued by the Commission to an air carrier exclusively engaged in operations with aircraft of more than 10 tonnes maximum take-off weight and/or more than 20 seats;

“category B licence” means an operating licence issued by the Commission to an air carrier exclusively engaged in operations with aircraft of less than 10 tonnes maximum take-off weight and/or less than 20 seats;

“central Levy” means a levy charged to all airports authorities in respect of the costs that are not charged out according to the separate functions the Commission performs;

“Commission” means Commission for Aviation Regulation;

“consumer protection” means the functions and responsibilities of the Commission under (a) Regulation (EC) No. 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and (b) Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air;

“coordinated airport” has the meaning assigned to it by Regulation (EC) No. 793/2004 of the European Parliament and of the Council of 21 April 2004

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 26th December, 2008.*

amending Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports;

“groundhandling services“ has the meaning assigned to it in the European Communities (Access to the Groundhandling Market at Community Airports) Regulations 1998 (S.I. 505 of 1998);

“Irish registered airlines” means airlines on the Irish Register of Civil Aircraft, operating at Dublin Airport, to which Council Regulation (EEC) No. 93/95 as amended applies;

“levy year” means the period commencing on 1 January 2009 and ending on 31 December 2009;

“operating licence” has the meaning assigned to it in Regulation (EC) No. 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community;

“quarter” means a period of three months ending on 31 March, 30 June, 30 September, or 31 December;

“Schedule” means the Schedule to these Regulations;

“schedules facilitated airport” has the meaning assigned to it by Regulation (EC) No. 793/2004 of the European Parliament and of the Council of 21 April 2004 amending Council Regulation (EEC) No. 95/93 on common rules for the allocation of slots at Community airports;

“slot allocation” means the activities associated with the relevant designation status of Dublin Airport in accordance with the provisions of Council Regulation (EEC) No. 95/93 as amended;

“State airport” has the meaning assigned to it by section 4 of the State Airports Act 2004 (No. 32 of 2004).

3. These Regulations apply to the classes of undertakings set out in the Schedule.

4. (1) A Levy in respect of the levy year is hereby imposed on the classes of undertaking mentioned in column (1), in the appropriate portions mentioned in column (2) in relation to the matters referred to in column (3), of the Schedule.

(2) That portion of Levy which is in respect of airport charges and the central levy shall be payable by the relevant class of undertaking in four installments on the basis of invoices issued by the Commission quarterly in advance commencing the first quarter of the levy year.

(3) That portion of Levy which is in respect of aviation terminal services, slot allocation charges and consumer protection charges shall be payable in one

installment by the relevant class of undertaking on the basis of invoices issued by the Commission in the first quarter of the levy year.

(4) That portion of Levy which is in respect of new applications for air carrier operating licences; annual monitoring fee for licensed air carriers; late provision of annual audited accounts; additional approval fee for substantial changes in licensed activity shall be payable as appropriate, in advance, by the members of the relevant class of undertaking.

(5) That portion of Levy which is in respect of new applications for groundhandling service approvals; annual monitoring fee for groundhandlers; late provision of audited accounts and amendment of groundhandling services approval shall be payable as appropriate, in advance, by the members of the relevant class of undertaking.

(6) That portion of Levy which is in respect of applications for travel agent and tour operator licenses in the circumstances set out in the Schedule and late submission of audited accounts by travel agents or tour operators shall be payable as appropriate, in advance, by the members of the relevant class of undertaking.

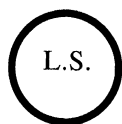
(7) Levied amounts shall be payable, not later than 30 calendar days from the date of the invoice, by direct bank transfer or equivalent instantaneous transfer of funds to the bank account specified by the Commission.

5. For the purposes of calculating the central levy and the consumer protection levy the passenger numbers used as the basis for the “per passenger“ charge will be the total passenger numbers produced by an airport authority for the last full calendar year for which passenger numbers are available.

SCHEDULE (REGULATION 4)

Classes of Undertaking	Appropriate Portion €	Matters to which the levy relates
(1)	(2)	(3)
An airport authority having vested in it a State Airport subject to the regulation of airport charges	982,625	Regulation of airport charges
An airport authority having vested in it a “coordinated airport” or a “schedules facilitated” airport	165,604	Slot allocation
An airport authority	€0.00814 per passenger	Consumer Protection
An airport authority	€0.08702 per passenger	Central Levy
A provider of aviation terminal services at the State airports	58,055	Regulation of aviation terminal services charges
Irish registered air carriers	165,604	Slot allocation
Applicants for groundhandling services approval	1,872 per application	New applications for groundhandling services approval
Holders of groundhandling services approvals	1,872	Annual monitoring fee
Holders of groundhandling services approvals	2,080	Late provision of audited accounts
Holders of groundhandling services approval	832 per amendment or series of amendments applied for at the same time	Amendment of groundhandling services approval
Applicants for an air carrier operating licence	7,800 per application (Category A licence) 2,600 per application (Category B licence)	New applications for operating licences
Holders of an air carrier operating licence	7,800 per carrier (Category A licence) 2,600 per carrier (Category B licence)	Annual monitoring fee
Holders of an air carrier operating licence	2,080	Additional approval fee for substantial changes in licensed activity
Holders of an air carrier operating licence	2,080	Late provision of annual audited accounts

Classes of Undertaking	Appropriate Portion €	Matters to which the levy relates
(1)	(2)	(3)
Applicants for a travel agent's licence	2,080	Where an application for a travel agent's licence is received less than two months but more than one month prior to the date on which the licence is required to commence
Applicants for a travel agent's licence	4,160	Where an application for a travel agent's licence is received less than one month prior to the date on which the licence is required to commence
Applicants for a travel agent's licence	2,080	Failure to submit audited financial statements as required
Applicants for a tour operator's licence	2,080	Where an application for a tour operator's licence is received less than two months but more than one month prior to the date on which the licence is required to commence
Applicants for a tour operator's licence	4,160	Where an application for a tour operator's licence is received less than one month prior to the date on which the licence is required to commence
Applicants for a tour operator's licence	4,160	Failure to submit audited financial statements as required



GIVEN under the seal of the Commission for Aviation Regulation,
18 December 2008

CATHAL GUIOMARD.
Member of Commission.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations impose a levy on certain specified classes of aviation and travel trade undertakings, for the purpose of meeting expenses incurred by the Commission for Aviation Regulation in the discharge of its functions under the Aviation Regulation Act 2001 as amended. The fees set out in the Schedule in respect of the various licencing and approval functions are inclusive of the percentage change in the Consumer Price Index for the period October 2007 to October 2008.

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