

Statutory Instruments

S.I. NO. 722 of 2004

**Aviation Regulation Act 2001
(Levy No.5) Regulations 2004**

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S.I. No. 722 of 2004
Aviation Regulation Act 2001
(Levy No. 5) Regulations 2004

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. 5) Regulations 2004

2. In this Regulations –
 - "appropriate proportion" means the proportion of the estimated total amount of the levy which is due to be paid by the class of undertaking in the levy year;

 - "category A licence " means an operating licence to which Council Regulation 2407/92 applies;

 - "category B licence " means an operating licence to which Article 5(7) (a) of Council Regulation 2407/92 applies;

 - "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 (EC) No.793/2004 applies;

 - "levy year " means the period commencing on 1 January 2005 and ending on 31 December 2005;

 - "operating licence " has the meaning assigned to it in the Air Navigation and Transport Act 1965 (Section 8) Regulations 1993 (S.I. 323 of 1993);

 - "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 facilitation " has the meaning assigned to it in Council Regulation (EC) No.793/2004;

"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 proportions 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 aviation terminal services charges shall be payable in one installment on the basis of invoices issued by the Commission in the first quarter of the levy year.
 - (3) That portion of Levy which is in respect of schedules facilitation shall be payable in one installment on the basis of invoices issued by the Commission in the first quarter of the levy year.
 - (4) Levy referred to in subsection (2) and subsection (3) 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) That portion of Levy which is in respect of monitoring the activities of air carriers and groundhandling suppliers 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 new applications for air carrier operating licences and groundhandling approvals; reviews of air carrier operating licences; renewals of groundhandling approvals and applications for amendments to groundhandling approvals, shall be payable as appropriate, in advance, by the members of the relevant class of undertaking.

Schedule (Regulation 4)

Classes of Undertaking (1)	Appropriate Proportion € (2)	Matters to which the levy relates (3)
An airport authority	553,237	Airport charges and Schedules facilitation
A provider of aviation terminal services at the State airports	16,000	Aviation terminal services charges
Applicants for an approval to supply groundhandling services	1,600 per application	New applications for approvals for Groundhandling services
Holders of an approval to supply groundhandling services	800 per supplier	Annual monitoring fee for approved Groundhandling suppliers
Holders of an approval to supply groundhandling services	1,600 per renewal	Renewal of approval for Groundhandling services
Holders of an approval to supply groundhandling services	800 per amendment or series of amendments applied for at the same time	Amendment of approval for Groundhandling services
Applicants for an Air Carrier Operating Licence	6,000 per application (Category A licence) 2,000 per application (Category B licence)	New Applications for Operating Licences
Holders of an Air Carrier Operating Licence	3,000 per carrier (Category A licence) 1,000 per carrier (Category B licence)	Annual monitoring fee for licensed Air Carriers
Holders of an Air Carrier Operating Licence	3,000 per carrier (Category A licence) 1,000 per carrier (Category B licence)	Review of Operating Licences
Irish registered airlines	170,497	Schedules facilitation

GIVEN under the seal of the Commission for Aviation Regulation

22 November 2004

L.S.

William Prasifka
Member of Commission

(Prn. 3901)

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 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.