Unofficial English Translation

(for convenient use only)

-Official Emblem-

NOTIFICATION OF THE CIVIL AVIATION BOARD

Re.: Criteria, Procedures and Conditions for the Calculation of Air Navigation Service Charges

B.E. 2566 (2023)

By virtue of Section 15 (8) and Section 15/26 of the Air Navigation Act, B.E. 2497 (1954), as amended by the Air Navigation Act (No. 14) B.E. 2562 (2019), and pursuant to the resolution of the Civil Aviation Board at its Meeting No. 1/2566 held on 13 February 2023, which prescribed the criteria, procedures and conditions for the calculation of air navigation service charges, the Civil Aviation Board hereby issues this Notification as follows:

Article 1. This Notification shall be cited as the "Notification of the Civil Aviation Board, Re.: Criteria, Procedures and Conditions for the Calculation of Air Navigation Service Charges B.E. 2566 (2023)".

Article 2. This Notification shall come into force on the day following the date of its publication in the Government Gazette.

Article 3. The air navigation services under this Notification shall be classified into the following six categories:

(1) Air traffic management services;

(2) Communication, navigation aid and aircraft surveillance system services;

(3) Aeronautical meteorological services;

(4) Aeronautical information services;

(5) Instrument flight procedure design services; and

(6) Search and rescue services for aircraft in distress.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL, COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE CIVIL AVIATION AUTHORITY OF THAILAND SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Article 4. The calculation of air navigation service charges shall be subject to the following criteria:

(1) Non-Discrimination: Charges imposed on all users receiving the same category of service shall be equal, without distinction based on the nationality of the service users;

(2) Cost-relatedness: The charges levied shall be calculated solely on the basis of the costs incurred in providing the relevant service. Costs attributable to other unrelated services shall not be included;

(3) Transparency: The calculation methodology, accounting system, billing system and information on the items used in calculating costs shall be verifiable. Only cost items related to the provision of the relevant service may be included in such calculation;

(4) Consultation with Users: Information on the basis for and necessity of imposing the charges, the cost items used in calculating the charges, and the terms and methods of charging applicable to each group of service user shall be explained to the users.

Article 5. The procedures and conditions for the calculation of air navigation service charges shall be as follows:

(1) Charges shall be calculated in accordance with the Cost Recovery principle, and a reasonable profit may be determined. The costs and expenses used to calculate the charges for each category of service shall cover the costs of providing that service, including operating expenses necessary to maintain the quality of air navigation services in accordance with international standards, as well as other related operating expenses. The costs used in calculating charges for each category of air navigation service shall be determined in accordance with the following principles:

(a) The costs of air navigation services shall cover all costs incurred in providing such services, including an appropriate proportion of financial costs and depreciation of assets, as well as the costs of maintenance, operations, administration and management of the relevant service provider in so far as they relate to the provision of air navigation services;

(b) Where the costs of providing services for domestic flights and international flights differ significantly, the costs attributable to domestic flight services and international flight services shall first be clearly apportioned;

(c) The allocation of air navigation service costs among different group of users shall be fair and appropriate. Costs allocated to domestic civil flights, international civil flights, government flights or exempted flights, as well as users other than aircraft operators,

shall be apportioned fairly in respect of the services provided to each group of users, and such allocation shall not impose a burden on other group of users;

(2) The factors used in calculating air navigation service charges shall be as follows:

(a) Weight Factor: The aircraft weight shall be based on the Maximum Take-Off Weight (MTOW) of the aircraft used for each flight, together with an aircraft weight adjustment factor (if any). The aircraft weight specified in the aircraft flight manual shall be used. Where no such weight is specified in the aircraft flight manual, the maximum take-off weight for the aircraft type as specified by the manufacturer shall apply. The unit shall be metric tonnes or equivalent;

(b) Distance Factor: The actual distance flown as specified in the flight plan shall be used, together with a distance adjustment factor (if any). The flight distance shall be calculated from the entry point to the exit point of the route as the shortest distance between two points on the surface of the Earth, measured along the curvature of the Earth (Great Circle Distance) within the Bangkok Flight Information Region (Bangkok FIR). The distance flown within the aerodrome and terminal control areas shall be deducted. The unit shall be kilometres or equivalent;

(c) Unit Rate: The unit rate shall be calculated on the basis of the actual costs incurred in providing the relevant category of service. The costs for each category of service shall be forecast for the ensuing five (5) years, averaged across all airports the service provided, and divided by the forecast number of service units for the ensuing five (5) years. A separate unit rate shall be calculated for each category of service;

(d) Terminal Multiplier: A multiplier may be applied, if any, to adjust the charges to reflect the costs of each individual airport.

(3) Air navigation service charges shall be calculated in accordance with the following methods:

(a) Where charges for several categories of air navigation services are calculated together:

1) En route Charge

$$\text{Charge} = \text{Unit Rate}^{en} \times \text{Weight Factor} \times \text{Distance Factor}$$

2) Aerodrome and Approach Control Charge

$$\text{Charge} = \text{Unit Rate}^{aa} \times \text{Weight Factor}$$

Where:

Unit Rate^{en} means the unit rate for en-route services within the controlled area;

Unit Rate^{aa} means the unit rate for services in the aerodrome and approach control areas;

Weight Factor means the aircraft weight factor;

Distance Factor means the flight distance factor.

Note: A Terminal Multiplier may also be applied (if any).

(b) Where charges for each category of air navigation service are calculated separately:

Charge = Unit Rate × Number of Service Units

Where:

Unit Rate means the charge per unit of service;

Number of Service Units means the number of units of service.

Note: Charges calculated separately for each category of service may deviate from the calculation method set out above. In such case, the service provider and the service user may agree on the charges by entering into an agreement between them.

(4) The calculation of charges may differ according to each group of service users, provided that the principles of fairness and non-discrimination are observed and the charges are consistent with the policies prescribed by the Government.

(5) The Unit Rate shall be reviewed at least once every five (5) years or whenever there is a significant change in economic conditions.

Issued on 2 May B.E. 2566 (2023),

- signature-

(Atirat Ratanasate)

Deputy Minister of Transport,

Acting for Minister of Transport

Chairperson of the Civil Aviation Board