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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

CIVIL AVIATION ACT, No. 14 OF 2010

REGULATION made by the Minister in charge of the subject of Civil Aviation by virtue of the powers vested in him under Section 117(2)(r) of the Civil Aviation Act, No. 14 of 2010.

NIMAL SIRIPALA DE SILVA,
Minister of Ports, Shipping and Aviation.

Colombo,
11th December, 2023.

Regulations

Pursuant to Section 117 (2)(r) of the Civil Aviation Act, No. 14 of 2010, the Minister in charge of the subject of Civil Aviation has made the following regulations relating to the charges to be paid by aircraft flying over the Colombo Flight Information Region for the use of air navigation facilities and services provided by Sri Lanka.

1. These Regulations may be cited as En-route Navigation Facility Charges Regulations No. 02 of 2023. Citation of the regulations and effective date



Objective	2.	The charges payable, in accordance with these regulations are aimed at the recovery of the costs incurred for the establishment, maintenance and operation of facilities and services provided by Sri Lanka for the provision of aeronautical facilities and services to aircraft flying over Colombo Flight Information Region, which includes provision of air route and airways facilities, meteorological services, air traffic control services, safety regulatory services and search and rescue services maintained, operated or arranged by the Statutory Service Provider appointed for provision of aeronautical services to aircraft and for the conduct of safety oversight functions by the Authority to ensure that such facilities and services conform to the applicable international standards.
Applicability	3.	Every operator of an aircraft operating a flight through the Colombo Flight Information Region without landing at any aerodromes in Sri Lanka shall, unless otherwise exempt by these regulations, pay for the air navigation facilities and services provided to the flight and safety oversight functions involved, an En-route Navigation Facility Charge in accordance with the Schedule hereto.
Basis for calculation of En-route Navigation Facility Charges	4.	En-route Navigation Facility Charge shall be calculated based on a combination of Maximum Take off Weight of the aircraft and distance flown by the aircraft within Colombo Flight Information Region, subject to the criteria given in the Schedule hereto.
Mechanism of Payment of En-route Navigation Facility Charges	5.	<p>(a). Unless otherwise agreed between the operator and the Director General, every aircraft overflying the Colombo Flight Information Region shall pay in United States Dollars the applicable charges to the Statutory Service Provider who has been appointed for the provision of aeronautical services specified under Section 31(e), (f), (g) and (h) of the Act, within 30 days of the date of invoice to the operator.</p> <p>(b). In case of default or delayed payment, an En-route Navigation Facility Charge payable under these Regulations may be recovered by the Statutory Service provider, as a debt together with an interest of 2% per month of the delayed payment.</p>
Exemption from En-route Navigation Facility Charges	6.	<p>A charge under these regulations is not payable in respect of the following aircraft :</p> <p>(a) Aircraft that entered the Colombo Flight Information Region impromptu as a result of mechanical failure, meteorological conditions or other reasons affecting the safety of flight;</p> <p>(b) Aircraft operated for the purpose of humanitarian relief;</p> <p>(c) Aircraft designated as a diplomatic flight; or</p> <p>(d) Aircraft exempted by Director General for reasons to be recorded.</p>
Revenue Collection, Record Keeping and Accounting	7.	<p>(a) The Statutory Service Provider appointed for the Provision of Aeronautical Services shall collect all En-route Navigation Facility Charges under these regulations and maintain proper records in respect of the following :</p> <ol style="list-style-type: none"> 1. Name of the operator and contact details including business address; 2. Type of the aircraft and its MTOW; 3. Date of flight together with time and point of entry and time and point of exit from Colombo Flight Information Region; 4. Route(s) and distance(s) as per Flight Plan; 5. Purpose of flight; 6. Amount of charges levied; and, 7. Any other pertinent information. <p>(b) The Statutory Service Provider shall furnish monthly records of all the information mentioned in paragraph (a) to the Authority and Secretary to the Ministry in charge of the subject of civil aviation.</p>

(c) The Statutory Service Provider shall remit every two Weeks to the General Treasury forty percent (40%) of the revenue collected through the En-route Navigation Facility Charges.

8. “Air Navigation Services” means facilities or services provided by Sri Lanka for safe, secure, efficient, regular, economically sustainable and environmentally responsive operation of aircraft within the airspace of Colombo Flight Information Region including :— Definitions

- (a) visual and non-visual aids along air routes and airways;
- (b) communication services;
- (c) aeronautical meteorological services;
- (d) air traffic control services and facilities;
- (e) alerting services;
- (f) air traffic advisory services;
- (g) flight information services;
- (h) aeronautical search and rescue service; and
- (i) safety oversight functions conducted by Authority.

“Authority” means Civil Aviation Authority of Sri Lanka established under Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002.

“Colombo Flight Information Region” means Sri Lanka airspace and the adjacent oceanic airspace that has been delegated to Sri Lanka by International Civil Aviation Organization under the Regional Air Navigation Plan of Asia and Pacific Regions for the purpose of provision of air traffic services navigating within that airspace.

“Director General” means Director General of Civil Aviation appointed under the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002.

“Statutory Service Provider” means the Statutory Service Provider appointed under Section 6(3)(a) of the Civil Aviation Act, No. 14 of 2010.

9. With these Regulations coming into effect, the En-route Navigation Facility Charges Regulations of 1981 published in the Government *Gazette* No. 147/12 dated 3rd July 1981 and the En-route Navigation Facility Charges Regulations No. 01 of 2023 published in the *Government Gazette* No. 2319/64 dated 16th February 2023 is hereby rescinded without prejudice to anything previously done thereunder. And the Regulation 4 of *Gazette* No. 1282/29 dated 04th April 2003 shall be amended. Repeal Provision

10. En-route Navigation Facility Charges due under the repealed Regulations stated at paragraph 09 and remaining unpaid at the date of coming into operation of these Regulations shall remain due and be payable and are a debt owing to the State. Saving and Transitional Provision

SCHEDULE

CALCULATION OF EN-ROUTE NAVIGATION FACILITY CHARGES

- (a) Maximum Take-Off Weight (MTOW) of an aircraft is the Maximum Take-Off Weight of the aircraft as specified in the Certificate of Airworthiness of the aircraft or in the absence of such as may be determined by the Director General and published in Sri Lanka Aeronautical Information Publication and it shall be used in Metric Tons as the “Weight Factor” for the calculation of En-route Navigation Facility Charges.
- (b) Distance flown is the distance flown in Colombo Flight Information Region (FIR) of the route declared by the air operator in the flight plan filed with the Statutory Service Provider and it shall be used in Nautical miles as the “Chargeable Distance” for the calculation of En-route Navigation Facility Charges.

- (c) The total amount of En-route Navigation Facility Charges (ENFC) payable in respect of an aircraft shall be calculated as follows subject to paragraph (d) and (e).

$$\text{ENFC (in USD)} = \frac{(\text{Chargeable Distance} + \text{MTOW})}{3}$$

Where;

1. Chargeable Distance is the distance flown in Colombo Flight Information Region (FIR) in Nautical Miles as per the Flight Plan filed by the aircraft operator.
 2. Weight Factor is the Maximum Take off Weight in Metric Tons (or MTOW) as specified in the Certificate of Airworthiness of the aircraft or in the absence of such, as may be determined by the Director General and published in Sri Lanka Aeronautical Information Publication.
- (d) For any flight operating more than 600 nautical miles within the Colombo Flight Information Region, the “Chargeable Distance” limit must be a maximum of 600 nautical miles.
- (e) For the calculation of En-route Navigation Facility Charges for any aircraft flown a distance of 300 nm or less within Colombo FIR, the Chargeable Distance shall be 300 nautical miles.

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