

# **Airport charges and conditions Eindhoven Airport**

**April 1, 2019**

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**Airport charges and conditions Eindhoven Airport**

**Eindhoven Airport N.V. operator of the civil part of Eindhoven military airport**

**in regard to article 8.40c of the Aviation Act**

**sets charges and conditions for activities of the airport operator for the use of the civil part of Eindhoven military airport by airlines, as well as by a natural or legal person operating flights, other than an airline.**

**In regard to article 8, section 3, of 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, a PRM charge has been set.**

This text is a translation of the original Dutch document. In the event of a difference in understanding, the Dutch text will prevail.

## 1. Introduction

With exceeding the threshold of 5 million passengers in a year, Eindhoven Airport N.V. (EANV) will establish airport charges and conditions of use after a consultation process with the users of the airport. EANV complies with title 8.2a of the Aviation Act (*Wet luchtvaart*) and the Charges and Conditions for other airports Decree (*Besluit tarieven en voorwaarden overige luchthavens*). We have provided an English translation of these legal texts as a matter of service. Only the original texts in Dutch are legally binding.

These EANV Airport charges and conditions enter into force on April 1, 2019, are valid for the duration of 12 months and therefore end on March 31, 2020. If no new airport charges and conditions are established for the next year's period (April 1, 2020 until March 31, 2021), these charges shall remain in force until further notice.

Users of EANV shall comply and adhere to the charges and conditions when operating at Eindhoven Airport. By operating at Eindhoven Airport, the user agrees to be bound to these charges and conditions. The user shall comply with instructions, directions or orders by EANV regarding aviation activities at the airport.

Nothing in these airport charges and conditions shall be taken to confer a right for the user to use the airport without the consent of EANV and in case of breach of the airport charges and conditions, EANV reserves the right to withdraw such consent.

These airport charges and conditions take effect from the above date and supersede and replace all previous airport charges and conditions and all related contracts.

EANV reserves the right to amend, change, suspend or revoke any part of the conditions, preferably after consultation with the users.

This document is available in both Dutch as well as English. Only the Dutch text is legally binding. Some documents which are considered to be conditions are only available in Dutch. There is no legal obligation to provide documents in English translation.

All rights, obligations and disputes arising from the EANV airport charges and conditions document are subject exclusively to Dutch law to the exclusion of other legal systems. All disputes are subject to the opinion of the judge of the District Court of Oost-Brabant that has jurisdiction, unless the parties have agreed otherwise in writing.

## 2. Definitions

The following definitions apply:

- |                          |   |
|--------------------------|---|
| a) <i>EANV</i>           | Eindhoven Airport N.V.  |
| b) <i>The airport</i>    | The civil part of Eindhoven military airport as designated by the Aviation Act.   |
| c) <i>Aircraft</i>       | An aircraft that can be kept in the atmosphere by virtue of forces that are exerted on it by air, other than forces that the air exerts on the surface of the earth.  |
| d) <i>Based aircraft</i> | Airline which positions aircraft at Eindhoven Airport as a fixed base per season with an overnight parking, thus with scheduled arrival day before planned scheduled departure from Eindhoven Airport and aligned with Eindhoven airports |

operational restrictions.

- e) *Full IATA Year* A year according to the IATA calendar. (The previous Full IATA Year is IATA season summer 2017 and IATA season winter 2017, starting from March 26, 2017 until March 24, 2018.)
- f) *Weight* The maximum certified take-off weight, i.e. the maximum permitted total weight with which the aircraft may take off in accordance with the Certificate of Airworthiness under the most favorable conditions (MTOW).
- g) *Aircraft stand* A marked area on a location that is owned by and situated at Eindhoven Airport, in which an aircraft can be parked.
- h) *Owner* The owner, operator and user of an aircraft and/or his/her authorized representative(s).
- i) *Passenger* Occupant of an aircraft, not being the aircrafts crew and deadheading crew.
- j) *Commercial Aviation* Flights carried out by an airline that offers regular services and/or scheduled irregular services or ad hoc transport, which are open to individual bookings for passengers and/or freight and/or post.
- k) *General Aviation* Operations with a civil aircraft at a fee or against payment of rent, other than commercial air transport or aerial work (GA).
- l) *Business Aviation* The sector of General Aviation that pertains to the operation or use of aircrafts by businesses for the carriage of passengers or goods as part of their business operations; in general, the flights are not accessible to the public and the pilots need to have at least a valid commercial pilot license with a qualification for flying with the use of instruments (BA).
- m) *User* An airline, or a natural or legal person other than the airline, that operates flights at Eindhoven Airport.
- n) *24-hour period* A period of 24 hours, starting at the time of landing of an aircraft at Eindhoven Airport.
- o) *Flight* The movement of an aircraft, from the time period that it starts to move with the purpose of taking off until the moment that it has fully stopped after landing.
- p) *Crew* Anybody on board of the aircraft carrying out activities which are of direct importance for the operation of the aircraft or carrying out activities on behalf of the passengers or the load.
- q) *Dead-heading crew* Anybody on board of the aircraft, not being the aircraft's crew, carrying out activities on behalf of the passengers or the load of the flight, the return flight or the aircraft.

- r) Transit passenger      A passenger arriving at the airport on a through flight and subsequently leaving the airport on the same aircraft or on a replacement aircraft following a breakdown of the former, without having left the customs area.
- s) Positioning flight      Moving an aircraft without passengers from one base of operations to another, or moving an aircraft without passengers to or from an maintenance facility for repair, overhaul or other work.

### 3. Payment of airport charges and related terms

The owner of the aircraft, its operator and user, and the person acting as the authorized owner, operator or user is jointly and severally liable to pay the airport charges as stated in this document. The airport charges and conditions are communicated by making them available for inspection at the main office of EANV and by sending them via email (and on request by post) to users at their stated address when they so request. All stated charges are exclusive of any taxes and/or levies due thereon.

All airport charges must be paid prior to the aircraft's departure by means of a credit card payment at the office of Operations Department of EANV or at the office of the General Aviation Department of EANV. EANV and the airline may agree on another payment arrangement, such as weekly advance payment or periodic invoicing with additional provision of security in the form of a bank guarantee or deposit for services to be rendered by EANV to the airline. Complaints about invoices must be submitted within three week of the invoice date. A change to the invoice amount or suspension of payments is not permitted in any way, nor is the returning of the invoice without prior consultation.

Pursuant to the Dutch tax legislation, turnover tax must be levied on the airport charges, among other things, on the Landing and Take-Off charge, parking fees, Passenger Service Charge and the security charge. However, if the airport charges are invoiced to a holder of an Aircraft Operator Certificate, the zero rate will be applied instead of the applicable VAT rate.

Costs resulting from the failure to comply with any condition included in the EANV airport charges and conditions may be charged to the owner.

### 4. Landing and Take – Off Charge

**The Landing and Take – Off charge (LTO) is calculated on the basis of the usage per aircraft stand - irrespective of MTOW of aircraft - which amounts to: 279,00 Euro.**

The LTO is based on one aircraft stand and if an aircraft has to use additional aircraft stands, LTO is increased by 50%,

All aircraft stands are based on aircrafts for ICAO up to and including Code C. For an aircraft Code D or E, two (2) aircraft stands are needed. For two (2) aircraft Code E, three (3) aircraft stands are needed.

### 5. Parking Charge

**For an aircraft on an aircraft stand a parking charge is calculated per ton MTOW/per 24-hour period and part thereof, which amounts to: 5,15 Euro.**

The parking charge is payable per hour or part thereof in excess of 90 minutes. If the parking of aircraft takes place for more than 90 minutes, the parking charge will also be due for the first 90 minutes. Each fraction of a metric ton is counted as a whole unit.

The parking charge is not applicable between 21:30 – 08:30 hrs LT for the home based aircraft (s) only. Reference is block time, if not available scheduled time.

## 6. Passenger service charge

**For each departing passenger, the passenger service charge amounts to: 7,47 Euro.**

Excluded from the passenger service charge are children under two years and transit passengers. Also excluded are members of the crew and the co-flying deadheading crew. Number of total passengers on board correlates with the number of paid and occupied seats in the aircraft.

## 7. Security charge

For the services, which have to be provided by the airport in line with the law of aviation security, a security charge per departing passenger will be charged.

**For each departing passenger the security charge amounts to: 3,17 Euro.**

Excluded from the passenger service charge are children under two years and transit passengers. Also excluded are members of the crew and the co-flying deadheading crew. Number of total passengers on board correlates with the number of paid and occupied seats in the aircraft.

## 8. PRM charge

EU Regulation 1107/2006 specifies the rights of disabled persons and persons with reduced mobility (PRM) when travelling by air. Main goal is to provide assistance required in order to offer them opportunities in air travel which are equal to other citizens. The EU regulation stipulates that persons concerned should receive assistance without additional charge. The assistance should be financed in such a way as to spread the burden proportionally among all passengers travelling at the airport. The managing body of the airport may, on a non-discriminatory basis, levy a specific charge on airport users for the purpose of funding the costs of this assistance.

For this reason, EANV has introduced a PRM charge which is charged to all airlines operating at Eindhoven Airport. The PRM charge is cost-related. Airlines operating at Eindhoven Airport will be charged based on the number of passengers they transport from the airport. The PRM charge has to be paid for all departing passengers.

Excluded from the passenger service charge are children under two years and transit passengers. Also excluded are members of the crew and the co-flying deadheading crew. Number of total passengers on board correlates with the number of paid and occupied seats in the aircraft.

**For each departing passenger the PRM charge amounts to: 0,65 Euro.**

## 9. Other charges

Take-offs and landings are only permitted during the opening hours of Eindhoven Airport.

If an aircraft, after having taken off from the airport without landing at another airport, returns to the airport on account of bad weather conditions, engine trouble or other unforeseen causes, no airport charges will be charged for that returning flight.

Positioning flight will be charged 570,00 Euro (additional to the LTO charge).

Furthermore, EANV is at liberty to waive the collection of any airport charge in case of, in EANV's opinion, unforeseen circumstances other than the ones referred to in the first paragraph of this article.

With effect from April 1, 2002, it is not permitted to operate at Eindhoven Airport with Chapter 2 aircrafts. This prohibition is based on Council Directive 92/14/EEC.

If aircrafts with a Chapter 2 noise certificate land on Eindhoven Airport anyway, an additional charge of 7.500,00 Euro will be due per landing or take-off.

Landings and take-offs with aircrafts classified in noise categories R1, R2 or R3 are no longer permitted.

If aircrafts with a classification in noise category R1, R2 or R3 land or take-off anyway, an additional charge of 7.500,00 Euro will be due per landing or take-off.

The openings hours of Eindhoven Airport are (local time): Daily 07:00 am until 24:00 pm.

If approval is granted for aircrafts to land or take off in accordance with the general working instruction 7.1.: Extension, an additional charge of 7.000,00 Euro can be applicable.

In principle, test-running aircraft engines is not permitted, unless EANV has given its written approval. The applicable charge in that case is 183,00 Euro per test run.

For the mandatory clean-up of oil and fuel leaks or leaks of other environmentally harmful substances, the person responsible will be charged the actual costs incurred, plus an additional charge of 500,00 Euro per incident.

For GA/BA, for each departing and arriving flight a prior permission requested fee (PPR) is charged following the PPR regulations for business and general aviation at Eindhoven Airport which entered into force on 1st of October 2016 at 00:01 LT. The PPR fee is 364,00 Euro.

## **10. Load Factor incentive**

The load factor incentive is an adjustment related to the passenger service charge. This is an incentive to increase the number of passengers per flight (load factor). Given the capacity, the passenger costs (e.g. terminal) will be shared by a higher number of passengers per flights on a larger number of passengers. As a result, the costs per passenger will be lower. More passengers per aircraft also delivers more (noise) efficiency, because more passengers are transported on the same flight. Therefore, Eindhoven Airport gives a discount on the passenger service charge on the percent passengers above 120 passengers per flight (with a certain maximum).

The load factor incentive is based on:

$(\text{full year average of passengers per departing flight per airline} - 120) / 120 * 80\% * \text{passenger service charge}$ .

**The load factor incentive is maximized on 2,50 Euro per departing passenger.**

The load factor incentive is based on load factors realized in the previous Full IATA Year.

## 11. Noise factor incentive

The noise factor incentive is an adjustment related to the passenger service charge. This is an incentive to use the airport during the quietest hours (with the lowest noise factor). Flights between 08:00 and 18:00 hrs (and to a lesser extent between 18:00 and 20:00 hrs) are the least burdensome. Therefore an incentive to increase the load factor for these hours contributes to the optimal use of the airport, in relation to noise abatement requirements.

The noise factor incentive applies to flights between 08:00 and 20:00 hrs LT (flights between 18:00 and 20:00 hrs count for 50%). There is a threshold of 50% of flights in the lowest and lower noise category. The noise factor incentive is based on:

$(\% \text{ of flight movements with lowest and lower noise factor} - 50\%) / 50\% * 1,50 \text{ Euro}$ .

**The noise factor incentive is maximized on 1,50 Euro per departing passenger.**

The noise factor incentive is based on % of departing flights with its lowest and lower noise factor realized in the previous Full IATA Year.

% of flight movements with lowest and lower noise factor:

Flight movements between 08:00 – 18:00 hrs local time per airline + 50% flight movements between 18:00 – 20:00 hrs local time per airline – with a minimum of 50% of flights in lowest/lower noise category / total flight movements per airline.

## 12. Off-peak hour incentive

The off-peak hour incentive is an adjustment related to the passenger service charge. This is an incentive on off peak hours during the quietest operation hours for flights between 09:00 and 11:00 hrs LT, so Eindhoven airport can increase its efficiency by processing extra flight movements. The unit costs will therefore be lower for all users if these more quiet hours of the day are utilised better.

The off-peak hour incentive is based on:

$(\% \text{ flight movements between } 09:00 - 11:00 \text{ hrs}) * 35\% * \text{ passenger service charge}$ .

**The off-peak hour incentive is maximized on 0,50 Euro per departing passenger.**

The off-peak hour incentive is based on the off-peak flights realized in the previous Full IATA Year.

% flight movements between 09:00 – 11:00 hrs:

Flight movements between 09:00 – 11:00 hrs local time per / total flight movements per airline.

## 13. Based aircraft incentive

The based aircraft incentive is an adjustment related to the passenger service charge. This is an incentive on based aircrafts (aircraft that has Eindhoven Airport as a fixed base) which represents stability in operations and employment for the region. Based aircraft contributes to the robustness of the destination network, which is also good for the region. To stimulate this, Eindhoven Airport gives an incentive based on the number of based aircrafts in the previous Full IATA Year. The number of based aircrafts is the basis of the based aircraft incentive.

The based aircraft incentive is based on:

$(2\% * \text{average \# of based aircraft}) * \text{passenger service charge}$ .

**The based aircraft incentive is maximized on 0,75 Euro per departing passenger.**

#### **14. Submission of fleet data**

For the calculation of the passenger service charge, the owner of the aircraft, or someone acting on his behalf, must provide EANV with a statement, which in EANV's opinion can be verified properly, for each flight of the number of passengers that are on board at the time of the aircrafts departure. If this requirement is not complied with, the calculation of the charges will be made according to the seating capacity of the type of aircraft in question on full economy basis.

The natural person or legal entity who is the owner or operator of a civil aircraft and allows such aircraft to take part in air traffic on his/its responsibility, must provide EANV with a recent and complete statement of his/its aircraft(s), which contains the following information:

1. Manufacturer, type and model
2. Aircraft registration (including the aircrafts serial number)
3. MTOW (in kg)
4. Configuration
5. Noise levels (EPNdB Fly-over, Lateral and Approach)
6. Engine type

If no up-to-date and/or official information about the MTOW of a landed aircraft is known, the maximum weight of a known similar type of aircraft will be calculated. In the event that EANV does not have an aircraft's noise certification at its disposal, the noise category will be based on the most unfavorable version or configuration of that type of aircraft, following official EASA data.

#### **15. Conditions**

The conditions attached to this document are to be considered the conditions for the use of Eindhoven Airport. After setting the airport charges and conditions, in case of urgent circumstances arising from compliance issues, a condition may be changed by way of an express consultation via email (level 1 change). There is a 14 days respond period and notification of the change will be communicated via e-mail. Any other change of a condition goes through the normal consultation process (level 2 change).

Please note that not all the content in the attached documents are conditions. Content relating to ground handlers, passengers, third parties at the airport etc. do not constitute a condition.

In case of any differences in the text of this document and the attached documents, this airport charges and conditions document prevail (level 1).

In case of any differences in the text of the conditions which are mentioned below, the Airport Regulations document prevail above the other conditions which are mentioned below (level 2).

Below is a list of the attached documents. Some documents are available in both Dutch and English. Some only in Dutch. Only the documents in Dutch are legally binding. In the event of conflict between the Dutch text and the English translation thereof, the Dutch text will prevail. There is no legal obligation to provide documents in English translation.

## **General**

1.1.1: Airport Regulations (English)

1.1.2: Airport Regulations (Dutch)

1.2.1: General terms and conditions of use of Eindhoven Airport (English)

1.2.2: General terms and conditions of use of Eindhoven Airport (Dutch)

## **Access and security**

1.3: Conditions for Eindhoven Airport pass (only available in Dutch)

1.4: Issuing and collection of Eindhoven Airport pass (only available in Dutch)

1.5.1: Safety and Security Manual (English)

1.5.2: Safety and Security Manual (Dutch)

## **Apron**

1.6.1: Regulation governing maintenance run-ups at Eindhoven Airport N.V. (English)

1.6.2: Regulation governing maintenance run-ups at Eindhoven Airport N.V. (Dutch)

## **User relevant general working instructions Operations (only available in Dutch)**

1.7.1: Extension

1.7.2: Pushback

1.7.3: Towing

1.7.4: Fueling A/C with passengers

1.7.5: Taxi

1.7.6: Apron Safety Meeting