

**PPR REGULATIONS
FOR BUSINESS AND GENERAL AVIATION AT
EINDHOVEN AIRPORT**

Eindhoven, September 2017

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1. Scope of application

- 1.1 EANV adopts these regulations, which apply to all civil aviation flight movements in the category non-commercial traffic, i.e. general aviation including business aviation, with civil jet aircraft, helicopters and propeller aircraft.
- 1.2 This regulation takes effect on 1st October 2017 at 00:01 LT.
- 1.3 An application for a PPR cannot be made without the PPR Applicant being familiar with these regulations.
- 1.4 In these regulations the term 'PPR' corresponds to an aircraft movement (take-off or landing) by any type of aircraft, regardless of the aircraft's take-off weight or propulsion system.

2. Definitions

In these regulations, the following definitions apply:

- a. Prior Permission Requested ('PPR'): Permission given by EANV to use, at a set date and time, the entire airport infrastructure necessary for the execution of a flight for non-commercial traffic (assigned terminal and platform) and to use the runway for landing and take-off, as allocated by EANV.
- b. 'EANV': Eindhoven Airport N.V., operator of the civil aviation part of Eindhoven military airport.
- c. 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.
- d. 'General Aviation': Operations with a civil aeroplane at a fee or against payment of rent, other than commercial air transport or aerial work.
- e. 'Business Aviation'¹: The sector of General Aviation that pertains to the operation or use of aeroplanes 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.
- f. 'PPR applicant': A natural or a legal person that, for the purposes of general or commercial aviation, wishes to obtain a PPR at Eindhoven Airport for a set date and time, and in doing this undertakes to comply faithfully with these regulations.
- g. 'Home based carrier': A carrier with parked aircraft in one of the hangar(s) at airside of EANV.

3. Capacity

- 3.1 Capacity for commercial and general aviation at Eindhoven Airport is in principle 1560 PPR's (flight movements) per year. Total business and general aviation capacity in a calendar year will be published in October for the following year on the Eindhoven Airport website. EANV reserves the right to make changes during a calendar year to the capacity made available to business and general aviation if this is prompted by the noise capacity made available to the totality of civil aviation in any calendar year, this to be decided exclusively by EANV. In the unlikely event that no capacity has been published at the beginning of a calendar year, the most recently published capacity shall remain in force until the updated capacity has been published.
 - 3.2 All yearly 1560 PPR's are equally divided to each month, resulting 130 available PPR's per month.
 - 3.3 From available pool of 130 monthly PPR's, home based carriers are entitled in total up to 7 PPR's per month.
 - 3.4 Eindhoven Airport is open for business and general aviation seven days a week from 08.00 to 23.00 LT. No extensions are possible.
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4. Distribution of PPR's

- 4.1 Flights to and from Eindhoven Airport may only take place when PPR's have been obtained for them in accordance with these regulations.
- 4.2 The number of PPR's per year is distributed evenly on a monthly basis. These numbers are published on www.eindhovenairport.nl.
- 4.3 PPR's will be allocated according to the rules given in article 6. If the available PPR's have been issued for a certain period, the allocation for that period will stop. If the available PPR's for a certain period have not all been issued, the remaining PPR's will be transferred to the following period, except for the PPR's remaining from the last period of any calendar year.
- 4.4 Circuit flights and training flights are not allowed (AIP EHEH AD 2.20), which is why no PPR's will be allocated to these types of flights.

5. PPR applications

- 5.1 An application for a PPR can only be made digitally via EANV official website www.eindhovenairport.nl.
- 5.2 An application for a PPR can be submitted between 15 days and 2 hours before the start of the planned flight.
- 5.3 EANV will not process the application as long as it does not contain all the information necessary for the application. If the application is not complete, EANV will automatically reject it.
- 5.4 If third-party aircraft are used, the operator that performs the flight must apply for the PPR's, unless agreed otherwise with EANV.

6. PPR allocation procedure

- 6.1 Allocation of PPR's to the Applicant will take place based on the order of entry. The time when EANV receives the application will be decisive.
- 6.2 In assessing the application for a PPR, EANV takes account of the available parking capacity on the GA/BA platform. If there is no parking capacity available, EANV will inform the Applicant accordingly and will reject the application and possibly suggest an alternative.
- 6.3 An Applicant has to pay a reservation fee when applying for a PPR. The PPR reservation fee is set to 364 € per PPR for every aircraft regardless of its MTOW. Reservation fee is non-refundable in any case. Allocation of a PPR always takes place subject to receipt of payment of the reservation fee. Payment of the PPR applied for is part of the PPR application process. If this payment is not made, the PPR applied for is automatically not allocated. The reservation fee is still due if the PPR is not used.
- 6.4 An allocated PPR can be changed at most twice. In the event of a third change, the PPR expires.
- 6.5 An operational margin is granted of one hour before and one hour after the time of the allocated PPR.
- 6.6 EANV will publish an allocated PPR as a PPR number. The allocated PPR number must be entered in field 18 of the flight plan.
- 6.6 An allocated PPR gives no entitlement to claims and can in principle not be transferred to third parties (except in case of technical emergencies), and no historical rights can be accrued as referred to in EU Regulation 95/93.

7. Other provisions

- 7.1 These regulations, the capacity currently made available and current fees (landing fees, parking fees, reservation fees, etc.) are published on the EANV website: www.eindhovenairport.nl.

- 7.2 Only exception from current published airport fees from EANV website, is “Terminal navigation charge”, which is for General and Business aviation set as a charge A6 in the current airport pricelist (p. 11 Annex I from 2017). Terminal navigation charge is based on MTOW in tons, according to the following:
- $(\text{MTOW}/50 \times 0.70) \times \text{Unit rate}$ (Unit rate is levied by Eurocontrol for each year).
- 7.3 EANV reserves the right to amend this regulation without prior notification. In doing this, EANV will make every effort not to put the amended regulation into effect before the start of the following period.
- 7.4 EANV reserves the right, in the event of a suspicion of misuse of PPR’s or of applications for PPR’s, to withdraw PPR’s that have already been allocated, or to reject applications.
- 7.5 If an aircraft lands at or departs from Eindhoven Airport without a PPR having been allocated for that landing or departure, or if it lands or departs outside the time period for which a PPR has been obtained, the owner of the aircraft or the operator carrying out the flight will be subject to an immediately payable fine of €5,000.-. This fine will not be imposed in the case of force majeure situations, at the exclusive discretion of EANV.
- 7.6 Without prejudice to Article 6.6, EANV is not liable for loss or damage in connection with these regulations or with the allocation, refusal, withdrawal of or change to a PPR, except insofar as the loss or damage is the consequence of demonstrable intent and/or gross negligence on the part of EANV.

As adopted by EANV on 26th of September 2017

Explanation of the regulations

Eindhoven Airport is a slot-coordinated airport. The coordination of slots is done by the Stichting Airport Coordination Netherlands (SACN) according to the priority rules of EU Regulation 95/93. Until now, General Aviation and Business Aviation (GA/BA) have had a special position in Eindhoven from a historical perspective. However, the current rules no longer allow this. The EC Regulation even provides that "if not all slot applications can be fulfilled to the satisfaction of the airlines involved, commercial air services will be given priority, in particular regular services and scheduled irregular services". Priority will be given to services that are carried out throughout the year. This is in line with the Worldwide Slot Guidelines determined by IATA. In the amendment of EC Regulation 95/93, proposed by the European Commission, which text was published on 30 November 2011, this line is continued deliberately.

Since the position of GA/BA cannot be changed from one day to another, it was decided to maintain the arrangement that applies until 31 December 2011 for a transitional period of a maximum of one year in amended form. The Ministry of Infrastructure and the Environment was asked to draw up a structural policy on this subject.

The Director of Aviation of the Ministry of Infrastructure and the Environment endorses the economic importance of Eindhoven airport and considers it desirable to arrive at a well-considered and future-proof solution that does justice to the EU Regulation and fits into the government's policy frameworks. The need to come to a future-proof solution became more urgent following a judicial ruling in December 2015. In a preliminary injunction filed by two GA/BA parties against SACN, the judge ruled that from 30 October 2016 (start of IATA 16/17 winter season), the coordination of slots at Eindhoven Airport has to be fully in accordance with the EU Regulation. As the priority rules of the EU Regulation stipulate that commercial traffic takes precedence over other traffic (see above) and demand for slots for commercial traffic exceeds the supply of available slots, this would mean that GA/BA traffic would no longer be possible at Eindhoven Airport. Both the Ministry of Infrastructure and the Environment and the airport operator, Eindhoven Airport N.V., find this to be an undesirable development and consider that it is of great commercial importance to the region to be able to facilitate GA/BA traffic at Eindhoven Airport. They therefore joined forces to try to solve the problem, and a solution has now been found.

The Ministry of Infrastructure and the Environment, in consultation with Eindhoven Airport N.V., proposed that GA/BA traffic should no longer be part of slot-coordinated traffic at Eindhoven. The basis for this is to be found in Article 6 of EU Regulation 95/93, according to which it is possible when organising slot coordination to take account of the various different types of air traffic in relation to the infrastructure in use at an airport.

In 2015, Eindhoven Airport N.V. invested substantially in the creation of a separate platform for GA/BA traffic. Before this separate platform was established, the GA/BA traffic used the existing airplane service stands, where commercial traffic is also positioned. Now that this separate GA/BA platform is in place, combined with the separate passenger terminal for GA/BA, which has already been in use for some time, the problem of the lack of infrastructure for GA/BA traffic at Eindhoven has been resolved. This makes it possible, on the basis of Article 6 of EU Regulation 95/93, to consider GA/BA to be a separate category of air traffic and to keep this traffic outside the slot coordination by SACN. This means that Eindhoven Airport N.V. can itself coordinate the available flight movements for GA/BA traffic (in the context of and in connection with total traffic at Eindhoven Airport) and should design a scheme to regulate this.

On 22 January 2016 there was consultation with a number of parties from the GA/BA sector at Eindhoven Airport and this solution was put to them. Subsequently, market parties had the chance to respond to the solution, verbally or in writing, up to a deadline of 10 February 2016. The reactions of the market parties were positive. Eindhoven Airport N.V. subsequently drew up draft regulations for coordinating the capacity available for GA/BA traffic.

In order to guarantee an objective, transparent and non-discriminatory coordination of the capacity available for GA/BA traffic at Eindhoven Airport, it was decided to make no distinction between regular users (GA/BA parties that have one or more aircraft based at Eindhoven Airport) and occasional users. In addition, with the aim of efficiently distributing the scarce capacity, it has been decided to use a reservation fee for PPR applications, because under the old regulation it turned out that requested 'slots' were often not used and were returned to the pool too late, so that it was no longer possible to allocate them to other users.

The draft regulations were put before a number of parties of the GA/BA-sector on 23 March 2016. The most important comments from these parties were that there needed to be greater clarity in the regulations regarding the position of recreational traffic, and that there was a desire for more flexibility as regards the possibility of being able to apply for a PPR even shortly before the start of a flight, or of changing an allocated PPR. Eindhoven Airport N.V. adjusted the regulations on these points and also refined a number of provisions and made them clearer. The regulations were finally approved by Eindhoven Airport N.V. on 11 May 2016.

Continuing on a base of the previous GA/BA regulations (2015 and 2016), first draft regulation concept as per 1st of October with introduction of non-refundable PPR and new calculation of the "Terminal navigation charge" was presented to a number of parties of the GA/BA sector on 06th of June 2017. Special focus was placed on a non-refundable PPR's, but also a need for certain PPR's which will be dedicated only for a Home based carriers. Amount of the dedicated PPR's and period of their allocation was left for a further discussion with the GA/BA parties.

After evaluation of GA/BA parties follow up comments, final presentation of the upcoming regulation for Business and general aviation was in place 20th of September 2017. During final presentation with an consensus from all parties, decision about capacity, distribution and allocation of the PPR's along with other regulation changes has been agreed and set.

Furthermore, all parties agreed that this regulation will be evaluated during the second quarter of 2018 for the next period.