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## Ordinance on Airport Charges

of 25 April 2012 (Status as of 1 January 2025)

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*The Swiss Federal Council,*

based on Article 39 of the Civil Aviation Act of 21 December 1948<sup>1</sup> (CAA), in implementation of Directive 2009/12/EC<sup>2</sup>, Directive 96/67/EC<sup>3</sup> and Regulation (EC) No 1107/2006<sup>4</sup> in the version valid for Switzerland according to Annex Nos 1 and 7 of the Agreement of 21 June 1999<sup>5</sup> concluded between the Swiss Confederation and the European Community on Air Transport,  
*ordains:*

### Chapter 1 General Provisions

#### Art. 1 Object and scope of application

<sup>1</sup> This Ordinance governs the setting and levying of charges for the use of those airport facilities which serve the purpose of flight operations as well as for access to these facilities (airport charges).

<sup>2</sup> Airport charges are

- a. flight operations charges;
- b. fees for access to airport installations and systems (access fees);
- c. fees for the use of the central infrastructure (usage fees).

<sup>3</sup> The following are included in flight operations charges:

- a. charges in the air traffic segment, and in particular:
  - 1. landing charges,

AS 2012 2753

<sup>1</sup> SR 748.0

<sup>2</sup> Directive 2009/12/EC of the European Parliament and the Council of 11 March 2009 on airport fees

<sup>3</sup> Directive 96/67/EC of the Council of 15 October 1996 on access to the ground handling market at community airports

<sup>4</sup> Regulation (EC) no. 1107/2006 of the European Parliament and the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air

<sup>5</sup> SR 0.748.127.192.68

- 2. passenger charges,
  - 3. aircraft parking charges,
  - 4. freight charges,
  - 5. charges with an incentive effect in relation to environmental protection;
  - b. charges for facilities and services for disabled passengers or those with reduced mobility (PRM segment) in accordance with Regulation (EC) no. 1107/2006;
  - c. charges for measures relating to air safety (air safety segment).
- <sup>4</sup> This Ordinance applies to airports in accordance with Article 36a paragraph 1 CAA.

## Art. 2 Definitions

In this Ordinance:

- a. *airport operator* means the owner of the operating concession according to Article 36a CAA;
- b. *airport user* means any natural person or legal entity responsible for the transport of passengers, postal mail or freight by air to or from the affected airport;
- c. *sector relevant to flight operations* means that sector of the airport comprising the segments air traffic, air safety and PRM; also included in this sector are facilities and services for which the airport operator levies access or usage fees;
- d. *central infrastructure* means facilities and services which cannot be provided separately or in multiple versions owing to their complexity or for cost or environmental reasons;
- e. *airside* means that part of the airport which is accessible to the public only with special authorisation;
- f. *landside* means that part of the airport which is accessible to the public without special authorisation;
- g. *economic added value* means profit earned after deducting reasonable capital interest (Art. 17) from the operating result before interest and after taxes or parafiscal charges;
- h.<sup>6</sup> *surplus or shortfall* means the calculated and realised difference during a charge period between the total revenue in the flight operations sector, including transfer payments in accordance with Article 34, and the total costs in the flight operations sector, including reasonable capital interest in accordance with Article 17.

## Art. 3 Levying of airport charges

<sup>1</sup> The airport operator levies the airport charges.

<sup>6</sup> Inserted by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS 2024 709).

<sup>2</sup> The operator may commission third parties to collect these charges.

#### **Art. 4<sup>7</sup>** Publication of airport charges

The airport operator publishes the airport charges in the Swiss Aeronautical Information Publication (AIP)<sup>8</sup>.

#### **Art. 5** Debtor for charges

<sup>1</sup> The concession holder is the debtor for the flight operations charges for flights carried out in terms of a route-specific concession.<sup>9</sup>

<sup>2</sup> If it is not possible to take legal action against the concession holder or if the flight is not carried out in terms of a route-specific concession, the operator of the arriving or departing aircraft is liable in lieu of the concession holder. If it is not possible to take legal action against the operator either, the owner of the arriving or departing aircraft is liable in lieu of the operator.<sup>10</sup>

<sup>2bis</sup> In the case of freight charges, the freight forwarder is jointly liable.<sup>11</sup>

<sup>3</sup> The debtor for the access fees is the legal entity or natural person who uses the airside access. Persons who require only sporadic access may be exempted by the airport operator from the payment of access fees.

<sup>4</sup> The debtor for the usage fees is the legal entity or natural person who uses the central infrastructure facilities.

#### **Art. 6** Oversight

The Federal Office of Civil Aviation (FOCA) applies the Price Supervision Act of 20 December 1985<sup>12</sup> *mutatis mutandis* within the scope of its oversight of the airport charges.

#### **Art. 7** Decisions of the FOCA

<sup>1</sup> The FOCA shall decide on the approval of airport charge regulations by issuing rulings.

<sup>2</sup> These rulings are published in the Federal Gazette.

<sup>3</sup> They come into force at the earliest 90 days after they become legally enforceable.<sup>13</sup>

<sup>7</sup> Amended by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS **2024** 709).

<sup>8</sup> A paid subscription to the AIP may be obtained from: Skyguide, P.O. Box 23, 8602 Wangen bei Dübendorf, Switzerland; [www.skyguide.ch](http://www.skyguide.ch). It may be viewed free of charge at the Federal Office of Civil Aviation (FOCA), Mühlestrasse 2, 3063 Ittigen, Switzerland.

<sup>9</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>10</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>11</sup> Inserted by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>12</sup> SR **942.20**

<sup>13</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

**Art. 8** Deadline for FOCA decisions

If the FOCA fails to meet a decision deadline prescribed in this Ordinance, the parties concerned may demand that it provide a written explanation for failing to meet the deadline and state the time by which a decision may be expected.

**Art. 9** Obligation to provide information

If so requested, the airport operator must allow the FOCA to examine the operational accounting records of the airport.

**Chapter 2 Flight Operations Charges at Geneva and Zurich Airports**  
**Section 1 General Provisions****Art. 10** Charge periods

<sup>1</sup> The charge regulations for Zurich and Geneva Airports must specify when the airport operator will next initiate proceedings for adjusting flight operations charges.

<sup>2</sup> This target date may be at most four years after the charge regulations come into force.

**Art. 11** Adjustment before the planned target date at Geneva Airport<sup>14</sup>

<sup>1</sup> The operator of Geneva Airport may only initiate proceedings for changing the flight operations charges before the prescribed target date if:

- a. extraordinary circumstances arise which have an effect on the cost of airport operation;
- b. there are changes to the airport's regulatory environment which were not foreseeable and which have a substantial effect on costs.<sup>15</sup>

<sup>2</sup> FOCA may order adjustment proceedings to be held or directly prescribe changes in the charges at any time if they do not comply with the requirements of law.

**Art. 11a<sup>16</sup>** Adjustment before the planned target date at Zurich Airport

<sup>1</sup> The operator of Zurich Airport and airport users who together represent a share of at least 20 per cent of flight operations charges at the time of their application may ask the FOCA to initiate adjustment proceedings early in the event of exceptional circumstances that have a significant impact on:

- a. forecasts based on the charge calculation; and
- b. the surplus or shortfall of airport charges expected at the end of the charge period.

<sup>14</sup> Amended by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS **2024** 709).

<sup>15</sup> Amended by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS **2024** 709).

<sup>16</sup> Inserted by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS **2024** 709).

<sup>2</sup> The FOCA shall make a decision on the application within 60 days of its submission.

<sup>3</sup> If the application is approved, the FOCA also has the option of shortening the preliminary proceedings in accordance with Article 23. It will decide upon this in its ruling.

#### **Art. 12** Capacity surcharges

<sup>1</sup> Capacity surcharges may be levied on flights handled during times of proven capacity shortages. Airlines with considerable transfer passenger traffic may not be disadvantaged in the general market environment by these surcharges.

<sup>2</sup> The amount of the surcharge is calculated according to the additional costs of services and facilities necessary to satisfy demand during peak capacity utilisation.

#### **Art. 13** Differentiated charges

Flight operations charges may be differentiated to correspond to the scope and quality of the facilities and services offered by the airport operator, if these costs differ significantly. In this case, the following applies:

- a. Criteria defined in Article 10 of Directive 2009/12/EC must be observed.
- b. There may be no cross-financing between individual facilities and services.

#### **Art. 14** Pre-financing

<sup>1</sup> Projected expenditures in the environmental sector and, given the necessary approvals from the authorities, investments in facilities in the airport sector relevant to flight operations may be pre-financed through flight operations charges.

<sup>2</sup> This pre-financing must be limited in time.

<sup>3</sup> Charge income from pre-financing and interest earned on these funds must be allocated to a special account in the airport operator's financial accounts. This account may only be debited for expenditures for the investment projects concerned.

<sup>4</sup> The airport operator shall provide information on the income and expenditures of its special accounts in the notes to its annual financial statements.

#### **Art. 15** Inflation-related cost increases

<sup>1</sup> The airport operator must provide proof of any inflation-related cost increases added to the basis for calculating airport charges and fees.

<sup>2</sup> This proof must be provided if possible on the basis of agreements, especially with suppliers and employees. Otherwise, the inflation forecasts of the Swiss National Bank shall be considered authoritative.

<sup>3</sup> A reasonable share of any inflation-related cost increases must be deducted to compensate for cost savings based on increases in productivity.

**Art. 16** Depreciation

<sup>1</sup> Depreciation is based on the historic procurement or manufacturing costs of non-current assets.

<sup>2</sup> They are calculated per component of non-current assets based on their useful life.

**Art. 17** Reasonable capital interest

Reasonable interest on the capital invested in the airport is calculated according to Annex 1.

**Art. 18<sup>17</sup>** Procedure for surpluses or shortfalls of airport charges at Zurich Airport

<sup>1</sup> If a surplus or shortfall is generated at Zurich Airport during a charge period, this surplus or shortfall shall be taken into account when setting charges for the subsequent charge period, subject to paragraph 2.

<sup>2</sup> Where there is good cause, it may be agreed in the context of joint charge setting (as described in Section 3 of this chapter) that a surplus or shortfall during the ongoing charge period shall initially be partially or fully disregarded when setting charges for the subsequent charge period and shall instead be offset at a later time.

**Art. 19<sup>18</sup>** Accounting policies

<sup>1</sup> In its cost accounting the airport operator must list the following segments separately:

- a. air traffic;
- b. air safety;
- c. PRM;
- d. usage fees;
- e. access fees;
- f. parking for road vehicles;
- g. public land transport;
- h. the sector not relevant to flight operations on the airside of the airport;
- i. the sector not relevant to flight operations on the landside of the airport.

<sup>2</sup> Income generated in the segments listed in paragraph 1 must all be shown individually and transparently, including income from transfer payments from road vehicle parking and the airside sector not relevant to flight operations (Art. 34) and income from intersegmental invoicing.

<sup>17</sup> Amended by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS **2024** 709).

<sup>18</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>3</sup> Details of income from airport charges shall be subdivided into the individual categories of charges set out in Article 1 paragraphs 2 and 3. Passenger-related charges must be further divided into transfer passengers and local passengers.

<sup>4</sup> The following costs must be shown separately for the segments set out in paragraph 1, and significant non-recurring effects must be indicated.

- a. operating costs (staff costs and contributions to occupational pension schemes must be shown separately);
- b. depreciation;
- c. costs of invoicing between the segments;
- d. interest and taxes.

<sup>5</sup> If the proceedings for setting airport charges as defined in Article 24 paragraph 2 are conducted separately for individual groups of users, the costs and income for the items in paragraphs 1–3 must be shown separately for these user groups.

<sup>6</sup> In the notes to the annual financial statements, the airport operator shall provide a segment report for the segments set out in paragraph 1 letters a–e. In this report, the following information must be given for each segment and in total:

- a. the income in accordance with paragraphs 2 and 3; the subdivision between transfer passengers and local passengers need not be published in the annual accounts;
- b. the costs in accordance with paragraph 4; non-recurring effects and contributions to the occupational pension scheme need not be shown separately in the annual accounts;
- c. the assets required for operations in accordance with Annex 1 number 1.1;
- d. the return on the assets required for operations is calculated on the basis of the operating result after calculatory taxes and parafiscal charges but before interest.

<sup>7</sup> The accuracy of the segment report in accordance with paragraph 6 must be confirmed by a government-supervised auditing company as defined in Article 7 of the Auditor Oversight Act of 16 December 2005<sup>19</sup>. In addition to this annual review carried out by the audit company, the FOCA may request the airport operator to have additional work carried out to review the segment report.

## Section 2 Procedure

### Art. 20 Principles<sup>20</sup>

<sup>1</sup> The following rules govern the procedure for setting flight operations charges at the Geneva and Zurich Airports:

<sup>19</sup> SR 221.302

<sup>20</sup> Inserted by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS 2019 2067).

- a. The airport operator shall hold negotiations with airport users about the flight operations charges. If agreement is reached, the airport operator sets the charges based on this result (Section 3).
- b.<sup>21</sup> If no agreement is reached or if the result of the negotiations is rejected by the FOCA (Art. 26 para. 5), the airport operator may present the FOCA with a charge proposal for approval, calculating the charges on the basis of a comprehensive cost calculation in line with Section 4.

<sup>2</sup> The airport operator may repeat steps in the procedure.

<sup>3</sup> If the airport operator is obliged to adjust airport charges in accordance with this Ordinance or other binding agreements, it may not terminate the procedure. The airport operator may not repeat steps in the proceedings, with the exception of the comprehensive cost calculation in the event that the charge proposal is rejected by the FOCA.

#### **Art. 20a<sup>22</sup>** Information on the procedure

<sup>1</sup> The airport operator shall give the parties to the negotiations envisaged in Article 22 paragraph 1 and the FOCA six months' advance notice of the start of negotiations.

<sup>2</sup> The airport operator shall give notice of the negotiations 30 days before their start in the Aeronautical Information Circular (AIC<sup>23</sup>).<sup>24</sup>

#### **Art. 20b<sup>25</sup>** Participation of other airport users in the procedure

Airport users and their associations that are not directly admitted to the negotiations must apply to airport operator and to FOCA within 30 days in order to participate in the procedure in accordance with Article 26 or Article 28a.

### **Section 3 Joint Setting of Charges**

#### **Art. 21** Principle

Flight operating charges which are set on the basis of negotiations (Art. 20 para. 1 let. a) must be within the scope of legal requirements; in particular, they may not produce income which exceed the costs shown for the airport sector relevant to flight operations (Art. 39 para. 5 CAA).

#### **Art. 22** Parties to the negotiations

<sup>1</sup> The airport operator shall invite the following airport users to the negotiations:

<sup>21</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>22</sup> Inserted by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>23</sup> The AIC may be obtained for a fee from: Skyguide, P.O. Box 23, 8602 Wangen bei Dübendorf, Switzerland; [www.skyguide.ch](http://www.skyguide.ch). It may be viewed free of charge at the Federal Office of Civil Aviation (FOCA), Mühlestrasse 2, 3063 Ittigen, Switzerland.

<sup>24</sup> Amended by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS **2024** 709).

<sup>25</sup> Inserted by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).



- a. the two largest airlines (in terms of passenger volume at the affected airport) which are independent of each other;
  - b. representative(s) of the commercial airlines operating in Switzerland;
  - c. representative(s) of the business aviation airlines operating in Switzerland;
  - d. representative(s) of light aviation and air sport in Switzerland;
  - e. representative(s) of the freight forwarders in Switzerland.
- <sup>2</sup> The FOCA shall take part in the negotiations as an observer.

**Art. 23<sup>26</sup>** Preliminary proceedings

<sup>1</sup> No later than three months before start of negotiations, the airport operator shall give notice of the dates for the negotiations.

<sup>2</sup> No earlier than five months and no later than three months before the start of negotiations, the airport operator shall request the parties to the negotiations envisaged in Article 22 paragraph 1 to provide the following information:

- a. information on the projected development of their flight operations over the next three years, making a distinction between local and transfer traffic;
- b. the projected composition and envisaged use of their fleets;
- c. any planned expansions of their activity at the affected airport;
- d. their operational and infrastructural requirements at the airport concerned.

<sup>3</sup> The airport users shall provide the data in accordance with paragraph 2 within 30 days. If the airport users fail to provide the information, the airport operator shall use its own prognoses.

<sup>4</sup> No later than one month before the agreed start of negotiations, the airport operator shall provide airport users taking part in the negotiations with a charge proposal and detailed information on the mathematical and financial principles used to calculate the charge in the proposal. The charge proposal shall contain the following in particular:

- a. detailed information on the services and facilities funded by the flight operations charges;
- b. the following information at least in relation to the previous charge period and corresponding prognoses at least for the charge period to which the negotiations relate:
  - 1. detailed information on the implementation of the requirements in accordance with Articles 12–17,
  - 2. information in accordance with Article 19 on matters relevant to flight operations;
- c. an explanation of and justification for the methodology used in calculating the prognoses in accordance with letter b;
- d. justification for changes in the costs to be detailed in accordance with letter b.

<sup>26</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS 2019 2067).

<sup>5</sup> The airport operator shall disclose and justify the traffic prognoses used. In doing so, it shall ensure that business secrets of the airport users are not revealed. It shall disclose and justify the methodology used for calculating the traffic prognoses.

#### **Art. 24** Organisation of negotiations

<sup>1</sup> The airport operator shall organise the negotiations.

<sup>2</sup> The operator may conduct separate negotiations with the airlines as defined in Article 22 paragraph 1 letters a and b and with individual other users or with all of the other users together.

<sup>3</sup> A time frame of at least three months must be planned for the procedure.

#### **Art. 25** Conclusion of agreement or failure of the negotiations

<sup>1</sup> The airport operator shall conclude an agreement with the airport users taking part in the negotiations. If negotiations with individual groups of users were conducted separately, separate agreements shall be concluded with each of these groups.

<sup>2</sup> The agreements concluded by the parties to the negotiation must contain provisions governing:

- a. the charge system;
- b. the amount of the charges;
- c. the length of the charge period;
- d.<sup>27</sup> the implementation of Article 18 paragraph 2 at Zurich Airport.

<sup>3</sup> If no agreements have been concluded by the end of the fourth month after the start of negotiations, the negotiations are regarded as having failed. The FOCA may extend this deadline once by two months upon receiving a joint application to do so from all parties to the negotiations.

#### **Art. 26<sup>28</sup>** Review, adjustment and approval of the agreements

<sup>1</sup> The airport operator shall inform the airport users who have applied in accordance with Article 20b of the results of negotiations. As a minimum, the operator shall provide information about the charge system, the amount of the charges and the most important principles applied in the calculation.

<sup>2</sup> Within three weeks of receiving this information, an application to the airport operator to change the results of the negotiations may be made by:

- a. airport users who have applied in accordance with Article 20b;
- b. the airport users concerned and their associations who were indirectly admitted to the negotiations through an association, but who have rejected the result of the negotiations;

<sup>27</sup> Inserted by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS **2024** 709).

<sup>28</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>3</sup> The parties to the negotiations shall consider whether they wish to make changes to the agreement on the basis of any applications thus received.

<sup>4</sup> The airport operator shall inform airport users who have applied in accordance with Article 20b within one month of the expiry of the application deadline of the results of this consultation and any changes to the agreements. Within 30 days after receiving this information, an airport user or an association as defined in paragraph 2 may apply to the FOCA for a review of the results of the negotiations if its application was not accommodated. The grounds for the application must be stated.

<sup>5</sup> If application is made to the FOCA for a review in accordance with paragraph 4, the FOCA shall approve the agreements if the criteria defined in Section 1 of this Chapter and Article 21 have been fulfilled. It shall publish information on its probable decision within 30 days. It shall make a decision within 60 days of receipt of the application.

#### **Art. 27<sup>29</sup>** Issue of the charge regulations

The airport operator shall issue the charge regulations in accordance with the agreements. The regulation shall come into effect no earlier than 90 days after the date on which all the procedural steps in accordance with this Ordinance have been definitively concluded.

### **Section 4** **Approval of Charges on the basis of a Comprehensive Cost Calculation**

#### **Art. 28** Charge proposal

<sup>1</sup> If the airport operator provides the FOCA with a charge proposal based on a comprehensive cost calculation (Art. 20 para. 1 let. b), a detailed basis for the calculation must be attached.<sup>30</sup>

<sup>2</sup> The operator must submit further documentation to the FOCA if this is necessary in order to evaluate the amount of the charges.

#### **Art. 28a<sup>31</sup>** Granting a hearing

<sup>1</sup> In addition to the charge proposal in accordance with Article 28, the airport operator must submit to FOCA a version of the charge proposal in which business secrets are redacted. The FOCA must be given an explanation as to why these parts have been redacted.

<sup>2</sup> The FOCA shall within 20 days send the version of the charge proposal with the business secrets redacted to the parties to the negotiations in accordance with Article 22 paragraph 1 and to the airport users that have applied in accordance with Article 20b so that they may express their opinions.

<sup>29</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS 2019 2067).

<sup>30</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS 2019 2067).

<sup>31</sup> Inserted by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS 2019 2067).

**Art. 29** Calculation rules

<sup>1</sup> The flight operations charges are calculated separately for the segments air traffic, air safety and PRM.<sup>32</sup>

<sup>2</sup> The basis for calculating flight operations charges is:

- a. the projected annual operating costs of the facilities and services for each segment, accounting for inflation (Art. 15 para. 1 and 2) and increases in productivity (Art. 15 para. 3);
- b. the projected expenditures for taxes and parafiscal charges, excluding recoverable value-added tax;
- c. the projected annual depreciation (Art. 16);
- d. reasonable capital interest (Art. 17).

<sup>3</sup> The following income shall be deducted from the costs:

- a. earnings generated in each segment from sources other than flight operations charges;
- b.<sup>33</sup> in the air traffic segment: transfer payments from the sector not relevant to flight operations in accordance with Article 34; these are to be applied after taxes and parafiscal charges;
- c. subsidies.

<sup>4</sup> At Zurich Airport, the calculation of flight operations charges shall include:

- a. a surplus or shortfall generated during the ongoing charge period when setting charges for the subsequent charge period (Art. 18 para. 1);
- b. agreements from earlier proceedings, as described in Article 18 paragraph 2.<sup>34</sup>

**Art. 30** «Originator pays» principle

The «originator pays» principle applies to the allocation of overhead costs and the internal invoicing of services between the cost centres of the sector relevant to flight operations as well as between the sector relevant to flight operations and the sector not relevant to flight operations.

**Art. 31** Facilities and services in the air traffic segment

<sup>1</sup> The airport operator allocates facilities and services to the air traffic segment as defined in Annex 2.

<sup>2</sup> The operator may allocate further facilities and services to the air traffic segment if they fulfil the following conditions:

- a. They are provided exclusively by the airport operator or under its responsibility.

<sup>32</sup> Amended by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS 2024 709).

<sup>33</sup> Amended by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS 2024 709).

<sup>34</sup> Inserted by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS 2024 709).

- b. They do not fall in the air safety or PRM segments.
- c. They are not financed through access or usage fees.
- d. They are mandatory for securing flight operations, especially:
  - 1. take-offs and landings of aircraft, including the use of the taxiways and aprons;
  - 2. parking of aircraft;
  - 3. handling of passengers and their baggage in conjunction with take-offs and landings; or
  - 4. handling of air freight directly to and from the aircraft.

**Art. 32** Facilities and services in the air safety segment

<sup>1</sup> The air safety segment includes all facilities and services that the airport operator is responsible for providing for the purpose of air safety.

<sup>2</sup> Facilities and services in the area of air safety which the airport operator provides for access to the airport site by persons other than passengers may alternatively be refinanced through access fees.

**Art. 33** Facilities and services in the PRM segment

The PRM segment includes all facilities and services which must be provided by the airport operator under Regulation (EC) No 1107/2006.

**Art. 34<sup>35</sup>** Transfer payments for the air traffic segment

<sup>1</sup> 30% of the economic added value of the sector of the airport not relevant to flight operations on the airside and in the road vehicle parking sector shall be used in the form of transfer payments to finance the costs of the segment air traffic in the sector relevant to flight operations.

<sup>2</sup> If reasonable capital interest cannot be earned on average during one charge period in a sector affected by the transfer payments defined in paragraph 1, the difference may be deducted from the transfer payments, with the deduction distributed across the following two charge periods, in an amount no higher than the percentage defined in paragraph 1.

<sup>3</sup> The airport operator may divide the transfer payment among the individual charge sectors within the air traffic segment according to the respective contributions made by these sectors to the generation of economic added value.

<sup>35</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS 2019 2067).

**Art. 35** Decision of the FOCA and issue of the charge regulations

<sup>1</sup> The FOCA shall provide information on its probable decision within 30 days. Its decision shall be made within four months days of receipt of the charge proposal. In justified exceptional cases, this period may be extended to six months.<sup>36</sup>

<sup>2</sup> The airport operator shall issue the charge regulations in accordance with the approval decision.

**Section 5 ...****Art. 36–38<sup>37</sup>****Chapter 3 Flight Operations Charges at Other Airports****Art. 39** Basis of calculation

<sup>1</sup> The charges for airports other than Geneva and Zurich may be set at such a level that their total does not exceed the sum of the costs of the facilities and services in the airport sectors which are both relevant and not relevant to flight operations minus all income not produced through flight operations charges.

<sup>2</sup> The airport operator may subdivide services and facilities in the air safety and PRM segments into separate sectors for the purpose of calculating charges. In these sectors, the charges may cover the full amount of the costs.

**Art. 40** Accounting policies

<sup>1</sup> Cost accounting must be prepared individually for the air traffic segment and, if necessary, the air safety and PRM segments.

<sup>2</sup> Earnings generated at the airport through flight operations charges must be shown individually and transparently.

**Art. 41** Consultation proceeding in the event of charge adjustments

<sup>1</sup> Any charge adjustments must be communicated to the airport users concerned at least four months before they are scheduled to come into force.

<sup>2</sup> The airport users concerned must be provided with the following statements on the planned change in charges:

- a. the cost bases for the charge calculation;
- b. the relevant air traffic forecasts.

<sup>36</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS 2019 2067).

<sup>37</sup> Repealed by No I of the O of 14 June 2019, with effect from 1 Aug. 2019 (AS 2019 2067).

<sup>3</sup> The airport operator shall consult the airport users concerned or their associations on the planned charges in an oral or written procedure.

<sup>4</sup> In the case of a written procedure, the deadline for submitting opinions shall be at least one month from the time of the notice of a planned charge adjustment.

<sup>5</sup> In the case of an oral procedure, the consultation documents must be provided to those taking part in the consultation at least two weeks before it takes place. The results of the consultation must be provided to the participants in the form of written minutes.

#### **Art. 42** Publication and review

<sup>1</sup> The airport operator shall publish the changes in charges in the AIC<sup>38</sup> at least 30 days before they come into force.<sup>39</sup>

<sup>2</sup> Each airport user concerned may apply to the FOCA within 30 days of publication in the AIC<sup>40</sup> to request a review of the charges. The grounds for the application must be stated.<sup>41</sup>

<sup>3</sup> The FOCA shall decide on the approval of the charge proposal within 60 days after receiving the application.

## **Chapter 4 Joint Provisions for All Airports**

### **Section 1 Access and Usage Fees**

#### **Art. 43** Access fees

<sup>1</sup> The airport operator may levy an access fee for air safety facilities and services which it provides for access to the airside by persons other than passengers.

<sup>2</sup> Access fees may be levied in particular for:<sup>42</sup>

- a. access by vehicles and persons;
- b. access and security control of employees and vehicles.

<sup>3</sup> Facilities and services made available to individual companies for their exclusive access to the airside may not be financed through access fees.

#### **Art. 44** Usage fees

<sup>1</sup> The airport operator may levy a usage fee for the provision and operation of central infrastructure facilities for carrying out ground handling and maintenance services.

<sup>2</sup> The airport operator defines the central infrastructure facilities in its operating regulations.

<sup>38</sup> See footnote to Art. 20a para. 2.

<sup>39</sup> Amended by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS **2024** 709).

<sup>40</sup> See footnote to Art. 20a para. 2.

<sup>41</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>42</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>3</sup> Provisions governing the usage fees do not apply if the airport operator commissions a third party to provide and operate the central infrastructure.

<sup>4</sup> Additional services that are provided for the benefit of individual users may not be financed through usage fees.

#### **Art. 45**            Assessment of access and usage fees

<sup>1</sup> There are separate segments for usage and access fees. Any shortfalls in the access fees segment may be charged to the air safety segment.

<sup>2</sup> Access and usage fees are assessed according to the following costs:

- a. operating costs;
- b. expenditures for taxes and parafiscal charges, excluding recoverable value-added tax;
- c. depreciation (Art. 16);
- d. reasonable capital interest (Art. 17).

<sup>3</sup> The assessment of individual tariffs must take place on the basis of criteria which do justice to the «originator pays» principle. Fixed charges may be set.

<sup>4</sup> The costs and income must be shown individually and transparently for each segment and be published in the notes to the annual financial statements. For Geneva and Zurich airports, the requirements of Article 19 must be met.<sup>43</sup>

#### **Art. 46**            Publication and review

<sup>1</sup> The airport operator shall publish the access and usage fees in the AIC<sup>44</sup> at least 30 days before they come into force. It shall provide information on the financial and mathematical principles used in the calculation.<sup>45</sup>

<sup>2</sup> The affected airport users can apply to the FOCA within 30 days of this publication to request a review of the amount of the access and usage fees. The grounds for the application must be stated.<sup>46</sup>

<sup>3</sup> The FOCA will make a decision within 60 days of receipt of the application.

## **Section 2**

### **Charges with a Steering Effect in relation to Environmental Protection**

#### **Art. 47**            Consideration of noise and pollutant emissions

<sup>1</sup> When setting the flight operations charges, aircraft with a low impact on the environment must receive preferential treatment.

<sup>43</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>44</sup> See footnote to Art. 42 para. 1.

<sup>45</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).

<sup>46</sup> Amended by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS **2019** 2067).



<sup>2</sup> Methods for evaluating this impact must correspond to the recognised state of the technology. The FOCA can recommend suitable evaluation methods.

<sup>3</sup> At a minimum, the following emissions must be taken into account:

- a. aircraft noise generation along the flight path at take-off;
- b. nitrogen oxide and hydrocarbon emissions during the aircraft's take-off and landing cycles.

#### **Art. 48** Measuring devices and calculation methods

<sup>1</sup> Measuring devices used to determine noise emissions are subject to the Measuring Instruments Ordinance of 15 February 2006<sup>47</sup> and the corresponding implementation provisions from the Federal Department of Justice and Police.

<sup>2</sup> Internationally recognised and harmonised calculation methods from international civil aviation organisations must be used to determine pollutant emissions.

#### **Art. 49** First/last hours

Higher flight operations charges may be set for take-offs and landings during the first and last hours of daily flight operations.

#### **Art. 49a**<sup>48</sup> Sectoral Aviation Infrastructure Plan

When setting flight operations charges with a steering effect in relation to environmental protection, the relevant provisions of the Sectoral Aviation Infrastructure Plan (SAIP)<sup>49</sup> must be taken into account.

## **Chapter 5 Final Provisions**

#### **Art. 50** Amendment of current law

...<sup>50</sup>

#### **Art. 51** Transitional provisions

<sup>1</sup> Flight operations charges must be adjusted to conform to this Ordinance

- a. at the latest by 1 January 2014 at the Geneva and Zurich Airports;
- b. at the latest with the first charge adjustment after this Ordinance takes effect in the case of the other airports.

<sup>2</sup> Access and usage fees must be adjusted to conform to this Ordinance by 1 June 2015 at the latest.

<sup>47</sup> SR **941.210**

<sup>48</sup> Inserted by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS **2024** 709).

<sup>49</sup> The SAIP can be viewed at: [www.bazl.admin.ch](http://www.bazl.admin.ch)

<sup>50</sup> The amendment may be consulted under AS **2012** 2753.

<sup>3</sup> Charges applicable before this Ordinance comes into force continue to apply until the new charges come into force.

<sup>4</sup> If the airport operator demonstrates that its annual average return for the entire airport operation over the ten years before this Ordinance comes into force is below that of reasonable capital interest for the same period (Art. 17 and Annex 1), it may apply to the FOCA for consideration of part of this difference when airport charges are set. In this case, the following applies:

- a. The difference in return must be demonstrated in detail and confirmed by a government-supervised auditing company as defined in Article 7 of the Audit Supervision Act of 16 December 2005<sup>51</sup>.
- b. The FOCA may approve financing of up to 50% of the difference in return.
- c. Consideration of the difference in return when setting airport charges as defined in this paragraph is only permitted until 31 October 2018. The FOCA may extend this deadline once by three years on receiving an application to do so from the airport operator.

**Art. 51a<sup>52</sup>** Transitional provision of 14 June 2019

<sup>1</sup> The flight operations charges for Geneva and Zurich airports must be adjusted no later than the conclusion of the first charge adjustment procedure after this Ordinance comes into force. Procedures ongoing when this Ordinance comes into force shall be terminated in accordance with the ordinance that applied at the start of the procedure. The start of the procedure is deemed to be the date in accordance with Article 10 paragraph 1 on which the airport operator began the procedure.

<sup>2</sup> The flight operations charges for other airports must be adjusted in accordance with this Ordinance no later than the first charge adjustment after this Ordinance comes into force.

<sup>3</sup> The access and usage fees must be adjusted in the first adjustment after this Ordinance comes into force.

**Art. 51b<sup>53</sup>** Transitional provisions to the Amendment of 13 November 2024

<sup>1</sup> The flight operations charges for Geneva and Zurich airports must be adjusted on conclusion of the first charge adjustment procedure after this Ordinance comes into force. Procedures ongoing when this Ordinance comes into force shall be terminated in accordance with the ordinance that applied at the start of the procedure. The start of the procedure is deemed to be the date in accordance with Article 10 paragraph 1 on which the airport operator began the procedure.

<sup>2</sup> The flight operations charges for other airports must be adjusted in the first charge adjustment after this Ordinance comes into force.

<sup>51</sup> SR 221.302

<sup>52</sup> Inserted by No I of the O of 14 June 2019, in force since 1 Aug. 2019 (AS 2019 2067).

<sup>53</sup> Inserted by No I of the O of 13 Nov. 2024, in force since 1 Jan. 2025 (AS 2024 709).

<sup>3</sup> The access and usage fees must be adjusted in the first adjustment after this Ordinance comes into force.

<sup>4</sup> The charges applicable when this Ordinance comes into force shall remain valid until the new charges come into effect.

**Art. 52** Commencement

This Ordinance comes into force on 1 June 2012.

*Annex I*<sup>54</sup>  
(Art. 17)

## Calculation of reasonable capital interest for Geneva and Zurich Airports

1 With regard to the annual interest rate set for assets required for operations, the following must be taken into account:

1.1 Assets required for operations are:

1.1.1 the residual procurement and/or manufacturing values of the existing plant, property and equipment which result after depreciation at the end of the fiscal year; and

1.1.2 operationally necessary net current assets.

1.2 The interest rate is calculated according to the weighted average cost of capital (WACC). The WACC is set at the level of the operating result after calculatory taxes and parafiscal charges but before interest (WACCs).

1.3 The WACCs is measured according to the following formula:

$$WACC_s = k_e \cdot \frac{EK}{EK + FK} + k_f \cdot \frac{FK}{EK + FK} \cdot (1 - s)$$

1.4 The individual parameters in the formula referenced under 1.3 are defined as:

1.4.1  $EK$  = Equity

1.4.2  $FK$  = Debt capital

1.4.3  $k_e$  = Cost of equity =  $r_f + \beta \cdot (r_M - r_f^*)$

whereby

$r_f$  = Returns on secure investments: these are measured according to the average (arithmetic mean) of the monthly yields on 10-year Swiss government bonds over the previous 10 years.

$\beta$  = Systematic, non-diversifiable equity risk: the airport's  $\beta$  is calculated on the basis of the average of the unlevered  $\beta$  (assuming an equity ratio of 100%) of the affected airport and at least 10 comparable airports. The selection of the comparison airports must be kept stable over time. When calculating the unlevered  $\beta$  for each airport,  $\beta$  is calculated as a linear regression over the previous 5 years of the monthly course of the rate of return of the share of the affected airport compared with the course of the rate of return of the most broadly based country-specific stock market index.

$(r_M - r_f^*)$  = Market risk premium: this is calculated as the difference between the average stock market return ( $r_M$ ) based on historic

<sup>54</sup> Revised by No II of the O of 14 June 2019, in force since 1 Aug. 2019 (AS 2019 2067).

values and the return on secure investments ( $r_f^*$ ). The average stock market return corresponds to the arithmetic mean of the annual return achieved on the Swiss stock market since 1926. The average return on secure investments corresponds to the arithmetic mean of the annual return achieved on Swiss federal bonds since 1926.

1.4.4  $k_f$  = Cost of debt capital =  $r_f + P$

whereby

$P$  = Debt capital risk premium: this is measured according to the average of the 10-year monthly spread between the yields on bonds with a rating corresponding to that of the airport and the yields on government bonds with the same term. The determination of the applicable rating is made by comparing the ratings of the comparison airports used to calculate  $\beta$ . If it can be demonstrated that the actual annual borrowing costs (costs of debt capital) during the charge period will be significantly higher than the borrowing costs estimated on a market basis according to the formula, then  $k_f$  may be calculated on the basis of the actual borrowing costs.

1.4.5  $s$  = Tax rate: this is determined as the 5-year average (arithmetic mean) of the ratio between annual tax expenses and annual pre-tax profits.

1.5 Capital structure (ratio of debt capital to equity): this is determined on the basis of the 5-year average of the market-value capital structures of the comparison airports used to calculate  $\beta$ .

2 Special circumstances in the sector not relevant to flight operations may be taken into account when calculating reasonable capital interest. The airport operator may modify the calculation as follows:

2.1 The operator may take account of existing special business and financing risks in the sector not relevant to flight operations.

2.2 The operator may apply an additional parameter when calculating reasonable capital interest in the sector not relevant to flight operations; this parameter takes account of the demonstrably greater expectation of returns of minimally capitalised companies (i.e. «size premium»). Calculation of the size premium must be based on best practices and data from recognised service providers.

2.3 Reasonable capital interest in the sector not relevant to flight operations may, in derogation from 1.1.1, be calculated on the basis of the market value of the clearly allocated assets. For this purpose, the book value of the assets is multiplied by the 5-year average of the ratio between the market value and the book value of the equity of the airport concerned or of comparison airports.

*Annex 2*  
(Art. 31 para. 1)

## **Facilities and services allocated to the air traffic segment**

- 1 Insofar as they are not listed as central infrastructure facilities in the airport's operating regulations and subject to usage fees the facilities in the air traffic segment comprise:
  - 1.1 the airfield, including aircraft stands and facilities (runways, taxiways, aprons, aircraft stands);
  - 1.2 share of passenger traffic areas;
  - 1.3 passenger transport systems airside, trolleys;
  - 1.4 check-in areas and facilities;
  - 1.5 operative freight warehousing systems which are directly necessary for freight handling to and from aircraft and are located on the airport site;
  - 1.6 customs areas and facilities;
  - 1.7 emergency and security infrastructures (air safety);
  - 1.8 share of landside access.
- 2 The services of the air traffic segment comprise:
  - 2.1 apron supervision and controls;
  - 2.2 operation and maintenance of the airfield, including aircraft stands and facilities (runways, taxiways, aprons, aircraft stands);
  - 2.3 passenger transport systems airside/trolley services;
  - 2.4 emergency services (safety).

*Annex 3*<sup>55</sup>

<sup>55</sup> Repealed by No III of the O of 14 June 2019, with effect from 1 Aug. 2019 (AS **2019** 2067).

