

**NB: Unofficial translation,
legally binding only in Finnish and Swedish**
Finnish Transport Safety Agency

Act on the Airport Network and Airport Charges (210/2011; amendments up to 126/2013 included)

Section 1 Purpose of the Act

This Act is enacted to implement Directive 2009/12/EC of the European Parliament and of the Council on airport charges, hereinafter called the *Airport Charges Directive*, in Finland's coordinated network of airports and air navigation services.

The purpose of this Act is to promote aviation by maintaining and developing the nationwide airport network and airport services for the needs of civil, state and military aviation.

Section 2 Scope of application

This Act shall apply to any airport open to commercial traffic:

- 1) whose annual traffic is over five million passenger movements; or
- 2) which has the highest passenger movement in Finland.

This Act shall also apply to the airport network, airport services and airport charges that are maintained for the purposes of state and military aircraft operations.

With the exception of Section 7, this Act shall also apply to other airports in the airport network.

This Act shall not apply to the pricing of air navigation services or ground handling services, or to the charges levied for the funding of assistance to disabled persons and persons with reduced mobility.

Section 3 Definitions

For the purposes of this Act:

- 1) *airport* means any land area specifically adapted for the landing, taking-off and manoeuvring of aircraft, including the ancillary installations which these operations may involve for the requirements of aircraft traffic and services, including the installations needed to assist commercial air services;
- 2) *airport managing body* means a body which, in conjunction with other activities or not as the case may be, has as its objective under provisions or contracts the administration and management of the airport or airport network infrastructures and the coordination and control of the activities of the different operators present in the airports or airport network concerned;

3) *airport network company* means a public limited company entirely owned by the state that acts as an airport managing body and is in charge of maintaining the airport network referred to in this Act;

4) *airport network* means a group of airports managed by the airport network company or its subsidiary;

5) *airport user* means the entity responsible for the carriage of passengers, mail or freight by air at the airport concerned and the entity responsible for state aviation or military aviation;

6) *airport charge* means a levy collected for the benefit of the airport managing body and paid by the airport users for the use of facilities and services, which are exclusively provided by the airport managing body and which are related to landing, take-off, lighting and parking of aircraft, and processing of passengers and freight;

7) *airport services* mean the services essential to air transport operations, with the exception of air navigation services;

8) *civil aviation* means flight operations conducted by civil aircraft, with the exception of operations conducted by state aircraft as referred to in Article 3 of the Convention on International Civil Aviation (Finnish Treaty Series No. 11/1949);

9) *military aviation* means aviation for military purposes and flying on military aircraft;

10) *military aircraft* means an aircraft entered in the military aircraft register;

11) *military airport* means an airport where air traffic services are permanently provided and which is maintained only for military aviation purposes;

12) *joint military and civilian airport* means an airport where air traffic services are permanently provided and where troops, governing bodies and constructions of the Defence Forces are permanently located in addition to civil aviation operations;

13) *state aircraft* means an aircraft used to perform the duties of the customs, the police or the Border Guard; state aircraft also means an aircraft used for other governmental duties than those referred to in this paragraph and in paragraph 9;

14) *state aviation* means aviation operations conducted by state aircraft.

Section 4 **Airport network and airport services**

The airport network company maintains, organises and develops the airport network and airport services for the needs of civil, state and military aviation. The airport network comprises airports used for scheduled air services and joint military and civilian airports. The airport network company also maintains and develops military airports.

An airport that belongs to the network and is used for scheduled air services can be managed by a subsidiary to the airport network company.

Further provisions on the airports included in the airport network, on the maintenance of services provided at these airports, and on other airports operated by the airport network company may be given by government decree.

In the event that the scheduled air services, state aviation and military aviation on an airport managed by the airport network company are suspended, the Ministry of Transport and Communications may, in order to investigate the possibilities for continuation of air traffic, require the airport network company to carry on maintaining the airport for a maximum period of 12 months.

Section 5

Basis of airport charges for civil aviation

The pricing of airport charges within the airport network shall be uniform, based on the service level offered, common and transparent, and applied on non-discriminatory and equal grounds.

Section 6

Differentiated services for civil aviation

Notwithstanding the provisions in Section 5, the airport managing body may vary the quality and scope of airport services or offer terminals or parts of terminals with different quality and size, with the aim of providing differentiated services or a dedicated terminal or part of a terminal for a particular use (*differentiated services*).

The level of airport charges may be differentiated according to the quality and scope of services as referred to in subsection 1, and their costs or any other objective, equal and transparent justification. Airport managing bodies shall have the right to set any such differentiated airport charges and make agreements on them on non-discriminatory and equal grounds, using a common and transparent procedure.

In the event that more airport users wish to have access to the differentiated services than the airport is able to serve, the airport managing body shall settle the issue on the basis of non-discriminatory, equal and transparent criteria.

Section 7

Consultations with airport users in civil aviation

At least once a year, the airport managing body shall consult with airport users on the operation of the system of airport charges, the level of airport charges and, as appropriate, the quality of service provided.

With regard to the consultations referred to in subsection 1, the airport managing body shall submit any proposal to modify the system or the level of airport charges, together with the reasons for the proposed changes, no later than four months before they enter into force. On justifiable grounds, this time limit may be shorter.

The airport managing body shall consult with airport users before it decides to carry out any major new infrastructure projects.

Section 8

Airport services for state and military aviation, pricing of services and related consultations

Fees levied on state aircraft and military aircraft shall be equal to those charged for services provided to civil aircraft, except in the case of special services and unless otherwise agreed.

The details of services arranged for state and military aviation within the airport network and their pricing shall be agreed upon between the airport network company and the representatives of state aviation and military aviation organisations.

The airport network company shall organise separate consultations with representatives for state aviation and military aviation in accordance with section 7 above. In addition, the airport operator shall consult with relevant authorities before making decisions on major new infrastructure projects.

Section 9

Special services for state and military aviation

Special services mean airport services different from other services provided at airports, adapted to the requirements of state and military aviation operations, which are:

- 1) provided by one service provider only;
- 2) not covered by the fees determined in the general terms of service; and
- 3) used exclusively by state aircraft or military aircraft.

Further provisions on the services included in special services at airports may be given by government decree.

Charges paid for special services at airports shall be reasonable, considering the specific costs incurred and allowing for a reasonable return.

Section 10

Information to be provided for consultations

For the consultations referred to in Section 7 and 8(3), the airport managing body shall provide the airport users concerned with at least the following information:

- 1) a list of the various services and infrastructure provided in return for the airport charge levied;
- 2) the methodology used for setting airport charges;
- 3) the overall cost structure with regard to the facilities and services which airport charges relate to;
- 4) the revenue of the different charges and the total cost of the services covered by them;
- 5) any financing from public authorities of the facilities and services which airport charges relate to;
- 6) forecasts as regards the charges, traffic growth and investments;

- 7) the actual use of airport infrastructure and equipment over a given period;
- 8) the predicted outcome of any major proposed investments measured in terms of their effects on airport capacity.

For the consultations referred to in Section 7 and 8(3), the airport user shall provide the airport managing body with at least the following information:

- 1) forecasts as regards traffic;
- 2) forecasts as to the composition and envisaged use of their fleet;
- 3) their development projects at the airport concerned;
- 4) their requirements at the airport concerned.

The airport managing body and airport users shall keep any information that they have received pursuant to subparagraph 1 and 2 confidential to the extent that it concerns business secrets or the economic situation of a company, or if it is required to be kept confidential in accordance with the Act on the Openness of Government Activities ([621/1999](#)) or any other Act.

Section 11 Decision on airport charges and its publication

The airport managing body can make a generally applicable pricing decision on the airport charges, or include the pricing criteria for airport charges in the agreement on differentiated services as referred to in Section 6 above.

The pricing decision and the pricing criteria included in the agreement on differentiated services as referred to in Section 6 above shall be published at least two months before they start to apply. The pricing decision shall be justified, taking into account any requirements and other statements presented by airport users under the procedure specified in Section 7 and 8(3).

Section 12 Resolving disagreements in civil aviation

If an airport user disagrees with the airport managing body's pricing decision as described in Section 11(1), the decision can be referred to the Finnish Transport Safety Agency for processing.

Instructions on the procedure to be followed for resolving disagreements shall be attached to the decision. The matter shall be brought before the Finnish Transport Safety Agency within 30 days of the date when the decision was published in accordance with Section 11(2).

The Finnish Transport Safety Agency shall, within four weeks of the matter being brought before it, take an interim decision on the entry into force of the modification of airport charges, unless the final decision can be taken within the same time limit. The airport managing body's decision may not be applied before the Finnish Transport Safety Agency has resolved the issue or made an interim decision.

The Finnish Transport Safety Agency shall resolve the issue referred to in this Section within four months of the matter being brought before it, or within six months in the event of extraordinary circumstances. Before resolving the issue, the Finnish Transport Safety Agency shall provide the parties concerned an opportunity to be heard.

The Finnish Transport Safety Agency's decision can be enforced immediately, unless the Market Court, after an appeal has been lodged as referred to in Section 13, prohibits the execution of the decision, orders a stay or issues another order relating to the execution of the decision.

Section 13 (126/2013)

Appeals

Any decision made by the Finnish Transport Safety Agency to resolve a disagreement on the provision or pricing of services pursuant to Section 12 may be appealed to the Market Court as provided for in the Administrative Judicial Procedure Act ([586/1996](#)). Provisions on proceedings in the Market Court are contained in the Market Court Procedure Act (100/2013). Decisions of the Market Court may be appealed to the Supreme Administrative Court as provided for in the Administrative Judicial Procedure Act.

Section 14

Right to receive information

The airport managing body shall, upon request, provide the Finnish Transport Safety Agency with any information on the airport charges, the grounds for their determination and any other relevant issues as necessary for the resolution of disagreements as referred to in Section 12.

Section 15

Entry into force

This Act enters into force on 15 March 2011.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.