



TER-TAR

Tariffs for regulated activities for the period 1/4/2021-31/03/2022

N.V. Brussels Airport Company



Terms of use of the installations of Brussels Airport, fixing the charges for aeronautical activities for the period **1 April 2021 – 31 March 2022**.

Brussels Airport Company has taken the following elements into consideration:

Compliance with the Royal Decree of 27th of May 2004 on the transformation of BIAC into a limited company under private law, and on the airport installations, articles 30.7, 31.1, 34, 35 and 56 in particular;

Compliance with the Royal Decree of 21th of June 2004 granting the operating license of Brussels Airport to the limited company BIAC, articles 7.7, 42, 43, 44, 45, 47, 48.1, 51, 52, 53, 55 and 56 in particular,

The various consultation meetings on the aeronautical charges for the period 4/2021-2/2026 that took place with the representative airline organizations and the airlines (the "users") between January 2020 and March 2020 in the presence of the economic regulation authority (the "regulator");

The impact of the COVID-19 pandemic on the airport activity, on the consultation process and resulting in an impossibility to present and discuss relevant up-to-date data to define a tariff system and tariff formula for the relevant period;

The advice A-2020-02-L made by the regulator on the 24th of March 2020;

The law (ref doc 55 1163/008) voted by the Belgian chamber of representatives on the 14th of May 2020.

Introduction

In line with the relevant regulatory framework Brussels Airport Company initiated on January 14, 2020 the consultation process with its users, and supervised by the regulator, to define the charges system and charges formula for the next regulatory period that runs from 4/2021-3/2026.

The outbreak of the COVID-19 pandemic however severely jeopardizes such a consultation process and the validity of the dataset which is to be consulted upon. The COVID-19 pandemic causes an airport lockdown for a number of months.

It is unsure how long this situation will continue and how severe will be its impact on the economic activities of Brussels Airport Company and the air traffic for the coming 5 years. These economic activities (traffic, costs, investments, cost of capital, ...) will be severely impacted by this event. The impact however cannot be estimated correctly at this moment.

A continuation of the charges consultation is no longer possible in the current context which is to be considered as an exceptional economic circumstance as described in article 39 of the Royal Decree of the 27th of May 2004 on the transformation of BIAC into a limited company under private law.

In this context, the regulator issued an advise to

- Prolong the current regulatory period, ending 31 March 2021, with 1 year until 31 March 2022;
- Keep the 2020 tariff system and tariff level during this prolongation, subject to an indexation based on the health price index of September 2020;
- Define the next regulatory period covering the period 4/2022-3/2027; and
- Of which the aeronautical charges are to be consulted upon via a standard consultation process, to be initiated in January 2021.

This advise has been transposed in a law (*ref doc 55 1163/008*) which has been voted on the 14th of May, 2020.

The current document defines the aeronautical charges for the period 4/2021-3/2022 and is fully in line with the above-mentioned principles.

All of the charges and unit rates as referred to in this document are subject to indexation based on the health price index (also "HPI"). The "health price index" factor is calculated based on the HPI of the month of September of the year prior to the charges update of April 1st, as published in the Belgian Official Gazette. The first reference value is the HPI from September 2019.

Art. 1

§ 1. For every take-off and landing (LTO: Landing and Take Off) Brussels Airport Company levies a charge the amount of which is equal to the product of the formula $U \times W \times E \times D$ in which:

U is the unit rate

W is the weight of the aircraft, expressed in tons

E is the environmental factor

D is the day/night factor.

The unit rate (U) is split between passenger aircrafts and full-freighter aircrafts. The unit rate for passenger aircrafts is **3.38 Euro** and the unit rate for full-freighter aircrafts is **2.69 Euro**.

The weight factor (W) is equal to the Maximum Take-off Weight ("MTOW"), expressed in tons (Art. 9). This weight factor is limited to a minimum of 20 tons and to a maximum of 175 tons.

The environmental factor (E) is determined for the following years according to the table below:

E-Factor		
Old category name	New category name	Value
	R8	0.7
	R7	0.75
A	R6	0.8
B	R5	0.85
C	R4	0.95
D	R3	1.05
E	R2	1.5
F	R1	2

The aircraft are classified into eight noise categories. The methods to determine these categories are explained in annex 1 to these terms and conditions of use. Each aircraft, for which the operator has provided Brussels Airport Company with the documents necessary for the classification, will be assigned to a noise category. The initial classification into a noise category or a change of noise category of an aircraft is effective on the first day of the month following receipt of the required documents. Any aircraft for which Brussels Airport Company has not received the documents required for the classification will automatically be assigned to category R1 with the exception of propeller aircraft of maximum 9 tons, which will be assigned to category R2.

This means that the use of environmentally friendlier aircraft is incentivised through the use of less noisy aircraft falling in the two new and cheaper categories.

The day/night factor (D) is determined according to the table below, and depends on the actual landing or take-off time and on the quota count (absolute noise level) of an aircraft:

Local time	QC	Movement	[D]
06:00-07:59	QC < 12	Dep & Arr	1
	QC ≥ 12	Dep	3
	QC ≥ 12	Arr	1
08:00-20:59	any QC	Dep & Arr	1
21:00-22:59	QC < 12	Dep & Arr	1
	QC ≥ 12	Dep	3
	QC ≥ 12	Arr	1

23:00-05:59	all	Arr	2.25
	all	Dep	3

The method applied to calculate the QC is explained in annex 2 to this document.

The time of landing to be taken into account is the actual time at which the aircraft touches down. The takeoff time is the actual time at which the aircraft lifts off.

§ 2. Contrary to the previous paragraph, the charge for each landing and takeoff of a helicopter is **17.33 Euro**. This paragraph only applies on the condition that the helicopter does not use the approach or departure route of a runway, lands or takes off between 6.00 a.m. and 10.59 p.m. (local time) and follows the "best practice" proposed by the airport authorities with regard to noise.

Art. 2.

For aircraft carrying out flights imposed by the Minister for the purpose of training crew and for aircraft carrying out test flights prior to the issue, renewal or restitution of the certificate of airworthiness, the charges referred to in article 1 are reduced by 80%. This reduction is not granted from Monday to Friday between 8.00 and 11.00 a.m. and between 5.00 and 8.00 p.m. (local time).

Art. 3.

§ 1. The fee for parking a passenger aircraft is set at **0.77 Euro** per MTOW (expressed in tons) and per hour. This fee is only levied from the third hour onwards for aircraft with a weight of less than 100 tons and from the fifth hour onwards for aircraft with a weight of 100 tons or more. However, this fee is not due for the period between 11.00 p.m. and 6.00 a.m. (local time).

§ 2. The fee for parking a full-freighter aircraft is set at **0.22 Euro** per MTOW (expressed in tons) and per hour. This fee is only levied if the full-freighter is parked for more than 8 hours without interruption, in which case the fee is due for the whole duration. However, this fee is not due for the period between 11.00 p.m. and 6.00 a.m. (local time).

Art. 4.

§ 1. The **passenger charges** are split up between originating, transfer and transit departing passengers.

The passenger charge is **21.55 Euro** per departing passenger even if they take a return flight the same day. This charge is reduced to **11.07 Euro** per departing transfer passenger. There is no charge per transit departing passenger.

- A transfer passenger is a passenger whose routing is mentioned on one air ticket and whose onward journey continues on a connecting flight within 24 hours on the same calendar day of landing at Brussels Airport, but not to the country of origin.

- A transit passenger is a passenger transferring to another airport by means of the same aircraft, this on the condition the passenger does not leave the aircraft, or by means of a flight having the same flight number as the arrival flight (but no code share flight number).

The passenger charges mentioned above do not take the additional bussing charge into account (Art. 6). The bussing charge has to be treated as an additional element of the passenger charge.

§ 2. The charges mentioned in § 1 are not due for:

- 1° children under two years of age;
- 2° crew members responsible for the aircraft;
- 3° passengers on domestic flights;
- 4° passengers on aircraft referred to in article 8;
- 5° transit passengers staying on board of the aircraft.

§ 3. The charges due by the passengers are levied through the agency of the aircraft operator and the amounts are mentioned separately on the air ticket.

On the first request by Brussels Airport Company the intermediary is bound to remit the passenger charges, within the term set by Brussels Airport Company (under article 10), on a bank account that it – acting as a proxy on behalf and for account of Brussels Airport Company – will previously have opened at a bank approved by Brussels Airport Company and on which Brussels Airport Company has a shared signatory power and an exclusive power in case of overdue payment, suspension of payment, request for composition, bankruptcy and in any other case that might put an end to the proxy.

The assets on this account and, more generally, any charges collected by the aircraft operator on behalf of Brussels Airport Company are the exclusive property of Brussels Airport Company and will be transferred to Brussels Airport Company within the terms it has fixed with each individual operator.

Art. 5.

§ 1. The **security charges** applies to all kind of passengers (originating, transfer and transit departing passengers).

The security charges due are **7.23 Euro** per departing passenger.

The BCAA¹ charge for originating and transfer passengers (Royal Decree of 20 June 2002) is not included in this security charge.

§ 2. The charges mentioned in § 1 are not due for:

- 1° children under two years of age;
- 2° crew members responsible for the aircraft;
- 3° passengers on domestic flights;
- 4° passengers on aircraft referred to in article 8;
- 5° transit passengers staying on board of the aircraft.

Art. 6.

§ 1.Brussels Airport Company has centralized the **bussing** activity as of 1 June 2016. The centralisation covers the busses and the manning. This is to be considered as an alternative for boarding bridges (remote versus contact).

The unit charge due for bussing is **0.61 Euro** per departing passenger (originating, transfer and transit).

§ 2. The charges mentioned in § 1 are not due for:

- 1° children under two years of age;
- 2° crew members responsible for the aircraft;
- 3° passengers on domestic flights;
- 4° passengers on aircraft referred to in article 8;
- 5° transit passengers staying on board of the aircraft.

Art. 7.

Brussels Airport Company offers a series of incentives to encourage Users to develop their services at Brussels Airport.

The QQ3 scheme will comprise a three year new destination scheme for passengers, a three year cargo frequency growth scheme and a one year passenger growth incentive scheme.

The new destination scheme for passenger operations is:

April 2016 – March 2022	Incentive on passenger charge (originating / transfer)		
	Year 1	Year 2	Year 3
Long haul – new destination	€ 15.0 / € 7.5	€ 10.0 / € 5.0	€ 5.0 / € 2.5
Short haul – new destination	€ 10.0 / € 5.0	€ 10.0 / € 5.0	€ 10.0 / € 5.0

The passenger growth scheme is:

April 2016 – March 2022	Incentive on Passenger charge (Originating/Transfer)
Passenger growth	€ 10.0 / € 5.0

The incremental frequency scheme for cargo is:

April 2016 – March 2022	Incentive on landing & take-off and aircraft parking		
	Year 1	Year 2	Year 3
Additional cargo frequency	75%	50%	25%

The incentive schemes are subject to the terms and conditions mentioned in annex 3, in which the principles of use are also described. Further information about the incentive scheme is available on the website:

http://www.brusselsairport.be/en/b2b/aviation_marketing/airport_incentive_scheme/

These incentive amounts are not subject to the formula for tariff control.

Art. 8.

Exempted of the charges referred to in articles 1, 3, 4, 5 and 6 is the use of the airport infrastructure by:

- 1° aircraft used for the exclusive transportation of Heads of State and their retinue;
- 2° aircraft used for the exclusive transportation of Government leaders in office and their retinue;
- 3° aircraft carrying out calibration or measurement flights for the purpose of air traffic control;
- 4° aircraft carrying out non-commercial flights of an exceptional humanitarian nature acknowledged by Brussels Airport Company;
- 5° aircraft making a forced return;
- 6° aircraft on military flights.

Art. 9.

§ 1. The weight of the aircraft (W) that is used as the basis for calculating the charges referred to in articles 1 and 3, is the maximum authorized take-off weight ("MTOW") stipulated in the certificate of airworthiness, the flight manual or any other record annexed to the certificate of airworthiness.

§ 2. For the calculation of the charges referred to in articles 1 and 3, each fraction of a ton is counted as a whole ton, each fraction of a day as a whole day and each fraction of an hour as a whole hour.

§ 3. In the charges referred to in these terms and conditions of use the value-added tax, if any, is not included.

Art. 10.

§ 1. Brussels Airport Company requires that the charges referred to in art. 1, 3, 4, 5 et 6 are paid upon receipt of the invoice and according to the conditions thereof. The deposit of a guarantee may be demanded. Brussels Airport Company determines in which cases a guarantee is to be deposited and what the amount of the guarantee should be.

§ 2. In absence of compliance with the elements contained in §1, the charges referred to in art. 1, 3, 4, 5 and 6 have to be paid on departure and/or arrival to Brussels Airport Company, in euro or by any other electronic means of payment.

§ 3. In case of long term parking of an aircraft, Brussels Airport Company has the right to set up intermediate invoices. A final count will be made after the departure or after decommissioning of the aircraft.

Art. 11.

§ 1. For the collection of the charges referred to in article 10 every User or his representative has to return the traffic form put at its disposal by Brussels Airport Company.

§ 2. The traffic form has to be returned at the latest on the day following the aircraft movement before 10.00 a.m. (local time).

If the traffic form is not returned within the set time, is incorrect or incomplete, the charges referred to in article 10, will be calculated on the basis of the maximum weight and capacity of the aircraft type, according to the documents Brussels Airport Company has at its disposal. The data provided on the traffic form are binding upon the aircraft operator and Brussels Airport Company reserves the right to verify them.

§ 3. The traffic form referred to in § 1 and 2 has to be returned electronically according to the procedure determined by Brussels Airport Company. Provision and transfer of all necessary inbound and outbound messages for the preparation of the flight reports and statistics for Brussels Airport Company must be secured by the Users.

Typical messages of that kind are Load Data Messages (LDM), Passenger Transfer Messages (PTM), Movement (MVT), Inbound Connection List (ICL), Container Pallet Messages (CPM), Statistical Load Summary (SLS) and others.

These messages must include the point of departure, the point of destination and the respective flight numbers. Passenger names included in these messages should not be passed to Brussels Airport Company.

Brussels Airport Company uses the system FLIRT for electronic data entry and transmission to produce both the Flight Report and for the official statistics to fulfil the EU Law. This application is made available to the handling companies operating at Brussels Airport free of any extra charge.

§ 4. Brussels Airport Company has the right to communicate the data supplied on the traffic form to Skeyes for the purpose of the collection of the charges referred to in article 172 of the law of 21 March 1991 on the reform of certain economic state enterprises.

Art. 12.

The Dutch version of this document is the sole official version of the terms and conditions for Tariffs for regulated aeronautical activities at Brussels National Airport. The English and French versions are added for information purposes only. If certain formulations in this document can be interpreted differently depending on the language of the document, then the wording in the Dutch version of this document prevails the English and French versions.

Zaventem, 14 May 2020

Annex 1

Aircraft noise categories for Brussels Airport

1. Basic principle

The aircraft categorization into eight categories of noise performance, ranging from R1 to R8, applies to aircraft certificated under ICAO Annex 16 Chapters 2, 3, 4 and 5 (or a more recent chapter), and uses the corresponding noise certification data.

The categorization combines cumulative reductions with reductions at the three measurement points:

- The individual margins relative to ICAO Annex 16 Chapter 3 can be calculated as the differences between the ICAO Annex 16 Chapter 3 limits and certificated data for the three the individual measurement points.
- The cumulative margin relative to ICAO Annex 16 Chapter 3 is the sum of the three single margins.

The ICAO Annex 16 Chapter 3 limits for the three measurement points "Flyover" (TKO) "Sideline" (LAT) and "Approach" (APP) noise can be calculated from the formulas contained in ICAO Annex 16 Volume I, and are described below.

A theoretical reference is calculated according to the maximum authorised takeoff weight expressed in tons (MTOWTON) and the number of engines per parameter:

LAT parameter

Weight	0 - 35 tons	35 - 400 tons	400 tons and more
	LAT = 94	LAT = 80.87 + 8.51 log MTOWTON	LAT = 103

APP parameter

Weight	0 - 35 tons	35 - 280 tons	280 tons and more
	APP = 98	APP = 86.03 + 7.75 log MTOWTON	APP = 105

TKO parameter

1 or 2 engines

Weight	0 - 48.1 tons	48.1 - 385 tons	385 tons and more
	TKO = 89	TKO = 66.65 + 13.29 log MTOWTON	TKO = 101

TKO parameter

3 engines

Weight	0 - 28.6 tons	28.6 - 385 tons	385 tons and more
	TKO = 89	TKO = 69.65 + 13.29 log MTOWTON	TKO = 104

TKO parameter

4 engines and more

Weight	0 - 20.2 tons	20.2 - 385 tons	385 tons and more
	TKO = 89	TKO = 71.65 + 13.29 log MTOWTON	TKO = 106

The following formula ($PRED = LAT + APP + TKO$) gives the reference value in EPNdB (Effective Perceived Noise Level) for a given aircraft.

The determination of the noise category of an aircraft is based on the data of its noise certificate established according to ICAO provisions.

In order to determine the noise category of an aircraft, cumulative reductions (the sum TOTNOISE of the noise levels expressed in EPNdB for the lateral noise, the takeoff and landing noise, mentioned on the noise certificate of the aircraft, is compared with the PRED-value which corresponds to the characteristics of this aircraft), as well as individual reductions at the three measurement points, are calculated.

To obtain the top A classification in the ACI system a cumulative margin of at least 20 EPNdB was required. However since the introduction of this system some new aircraft types were certified, with cumulative noise margins better than 25 EPNdB (B788, A380, CRJ2,...).

To distinguish further between the different aircraft in this class A, ACI added in 2010 two new classes to their classification system: one with a cumulative margin of at least 25 EPNdB (R7) and one with a cumulative margin of at least 30 EPNdB (R8).

The definition of the old categories F until A were retained but their names were changed in categories R1 until R6 to make future additional classes possible without a necessary name change of the existing classes.

2. Determination of noise categories

An aircraft needs to meet two criteria concurrently in order to qualify for the corresponding noise category.

The eight categories are determined as follows:

Criteria to be met concurrently	Categories (and Former Categories)							
	R1 (F)	R2 (E)	R3 (D)	R4 (C)	R5 (B)	R6 (A)	R7	R8
Cumulative EPNdB reduction from ICAO Chapter 3 standard of at least:	Less than 0	0 or more	5 or more	10 or more	15 or more	20 or more	25 or more	30 or more
Individual EPNdB reduction from ICAO Chapter 3 Standard at each noise measurement point of at least:	Not applicable	0	1	2	3	4	5	6

3. Procedure for classification into noise categories

For a given aircraft the sum TOTNOISE is made on the basis of three noise certification data (lateral, landing and takeoff).

The corresponding PRED-value is calculated by means of the above-mentioned formula on the basis of the MTOWTON-value (maximum authorised takeoff weight expressed in tons) and the number of engines.

The noise category is determined on the basis of the criteria mentioned in point 2 above.

In principle, the determination of the TOTNOISE-value is based on the results obtained according to ICAO provisions for noise certification of "Chapter 3" aircraft, i.e. at 2,000 metres from the landing threshold underneath the descent path, at 6,500 metres from the start of roll underneath the climb-out flight path at takeoff, at 450 metres from the runway centre line for the lateral value.

As the lateral measurements for "Chapter 2" aircraft, are carried out at 650 m, the lateral value for these types of aircraft has to be increased by 2.1 dB. In default of certification data according to ICAO provisions, the certification data according to F.A.A. provisions may also be used.

Small propeller aircraft (MTOW <8616 kg) with a proper noise certificate fall into category R6.

Annex 2
Method used at Brussels Airport to establish
the noise quota count per movement (QC) of aircraft

For the movement of subsonic civil jet aircraft, the Quota Count (QC) is calculated using the formula

$$QC = 10^{[(G-85)/10]}$$

whereby "G" equals:

- for take-off: half the sum of the certified fly-over and sideline noise levels in EPNdB of the aircraft at its MTOW, conform the ICAO annex 16

- for landing: the certified approach noise level in EPNdB of the aircraft at its maximum landing weight, minus 9 EPNdB

With the exception of exempted movements, all movements of subsonic civil jet aircraft, which have not been certified in accordance with the standards of ICAO Annex 16, book 1, part II, chapter 3 (or a more recent chapter), are forbidden between 2300lt and 0559lt at the airport Brussels-National.

Annex 3

Principles of the incentive system at Brussels Airport

1.0 PRINCIPLES

General principles

1. The incentive is only granted to the operating carrier. Codesharing partners or wet lease operators are not entitled to receive an incentive.
2. New destinations or passenger growth or additional cargo frequency resulting from developments such as mergers, acquisitions, joint ventures, restructuring, codeshares or route transfers are not entitled to receive an incentive.
3. The incentive amounts are not subject to the formula for tariff control.
4. The incentive system starts on 1st April 2016 and ends on 31st March 2022.

New destination scheme

1. A new destination is a destination that has not been served from Brussels National Airport for the last twelve months as a regular operation.
2. An incentive shall only be granted if the new initiative results in an increase in total (seat) capacity offered at Brussels National Airport by the carrier (versus the previous corresponding IATA season).
3. The new destination scheme for passenger operations will apply to initiatives for which the operations commence on, or after 1 April 2016.
4. Charter operations are not subject to the new destination scheme. Scheduled charter operations are eligible for the incentive scheme if they have a published schedule at the start of the IATA season and for which 'flight only' tickets can be directly purchased by the passenger for the new initiative via distribution channels other than the tour operator alone.
5. If a new destination is opened, the incentive scheme remains open to other carriers wishing to commence new services to the same destination within the IATA season during which the new services from the first carriers have started.
6. In multi-airport systems, each airport of the system will not be considered as a separate destination.
7. IATA regions Europe (Western Europe, Eastern/Central Europe), and North Africa, are considered short haul destinations. All other IATA regions are considered long haul destinations.
8. The new destination scheme for passenger operations and the passenger growth incentive scheme are not cumulative.

Passenger growth scheme

1. The passenger growth scheme will apply to initiatives for which the operations commence on, or after April 1st 2016.
2. The new destination scheme for passenger operations and the passenger growth incentive scheme are not cumulative.
3. The passenger growth scheme is subject to a cap of 100.000 Originating departing passengers per airline per calendar year.

Cargo frequency scheme

1. The cargo frequency scheme will apply to initiatives for which the operations commence on, or after April 1st 2016.
2. Ad hoc or charter cargo flights are not granted incentives.

2.0 APPLICATION**New destination scheme for passengers and incremental frequency scheme for cargo**

1. For the new destination scheme for passengers and incremental frequency scheme for cargo, Users must officially apply to Brussels Airport Company at the latest 30 (thirty) days after the first operation of the initiative; failure to do so will forfeit the right to an incentive.
2. Users which are eligible to apply shall inform Brussels Airport Company of the initiative and request to receive an offer letter. Application for these two incentive schemes shall be in the form of a counter signed copy of the offer letter and an initialled copy of these Terms and Conditions, sent to Brussels Airport Company.
3. These incentive schemes shall begin on the first day of the month following the commencement of the initiative.
4. The new destination and cargo incentives shall be credited after the end of each IATA season. Brussels Airport Company will inform the Users in April and November each year whether the airline has met the conditions of the agreement and inform them of the amount (related to the previous IATA Season) that will be credited to the airline at that time.

Passenger growth scheme

1. Regarding the passenger growth scheme, Users do not need to apply.
2. The passenger growth incentive scheme shall begin on the first day of the commencement of the initiative and will be calculated on a calendar year basis. The incentive shall be credited after the end of the calendar year.
3. The calculation of the passenger growth scheme will be performed by Brussels Airport Company.

For the three incentive schemes

1. If, during the course of the incentive period, the operating airline changes the characteristics of or stops the initiative, Brussels Airport Company maintains the right to stop or revise the incentives according to the new situation.
2. The incentive agreement is only in force when payment terms of standard invoices are respected and thus when no overdue exists. If the airline has arrears of payment, Brussels Airport Company will defer the issuance of the credit note until the outstanding debt is liquidated.