

The Swedish Transport Agency's regulation for the general charge compensation system for security checks of passengers and their baggage;

TSFS 2012:113

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Decision reached on 26 October 2012.

The Swedish Transport Agency stipulates the following with support from 4 § of the Ordinance (2004:1101) on Aviation Security and decides on the following general advice.

Introductory provisions

Area of application

1 § These provisions shall apply to air carriers who transport passengers from security approved airports with aircraft whose maximum take-off mass is 10 tons or more, and to security approved airports.

Definitions

2 § In these regulations the following definitions are used

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| <i>charge adjustment</i> | set charge for security checks taken out by the Swedish Transport Agency for every departing passenger from airports covered by the charge adjustment system, which means that every airport covered by the system is refunded for legitimate costs regarding security checks of passengers and their baggage |
| <i>direct costs</i> | costs for personnel, premises, equipment, fees for oversight and insurance costs |
| <i>airport holder</i> | entity running an airport |
| <i>cost data</i> | the airport's collated costs attributable to the operation within the framework for security checks |

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| <i>overhead costs</i> | costs referring to the common management and administration of the airport, such as the airport's management, financial and personnel costs, including group functions |
| <i>personnel costs</i> | Costs for salaries, social benefits, vacation pays, inconvenient work hours and overtime, other additions, travel expenses, reasonable staff benefits, training, sick leave, parental leave, uniforms and costs for temporary staff; in the costs for training all basic, repetitive and advanced training for staff whose work is related to security checks of people and their baggage shall be included |
| <i>security-approved airport</i> | an airport which is security approved by the Swedish Transport Agency in accordance with Regulation (EC) No 300/2008 of the European Parliament and the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ¹ . |

Charge for security checks of passengers and their baggage

3 § The air carriers mentioned in 1 § are obliged to pay a fee of SEK 38 per passenger for the security checks of passengers and their baggage, with the exception of

1. passengers in transfer,
2. passengers in transit,
3. children under two years,
4. crew members, when performing their duties in the airline's own airplane, and,
5. passengers in the event of a re-start, after the aircraft has returned to the airport due to technical problems or adverse weather.

4 § The Swedish Transport Agency will set the charges based on the following factors:

1. the airport holder's estimated costs for security checks for the calendar year for which the charges are to apply
2. the Swedish Transport Agency's costs for the administration of the compensation system for the calendar year for which the charges are to apply
3. reversal of previous deficit or surplus in the charge compensation system, and
4. forecasted passenger volumes for calendar year for which the charges are to apply.

¹ EUT L 97, 9.4.2008, s. 72, (Celex 32008R0300).

The airport holder's information duty

5 § The airport holder shall promptly inform the Swedish Transport Agency if the commercial air traffic ceases at an airport under his/her control.

The airport holder's cost data and prognosis

6 § The airport shall, no later than 1 October, submit the cost data pertaining to the execution of security checks for the coming calendar year to the Swedish Transport Agency. At the same time the airport holder shall submit a prognosis of the costs for the coming three years, in accordance with 16 §. The prognosis shall include an investment plan covering new investments and conversions.

7 § The cost data shall include direct and overhead costs pertaining to the airport's security checks of passengers and their baggage, in accordance with Regulation (EC) No 300/2008 of the European Parliament and the Council. In the cost data

1. over head costs shall be calculated as 8 % of the sum of the direct costs, and
2. capital costs shall be calculated with an interest rate corresponding to the repo rate of the Swedish Riksbank, plus two percentage units, unless an actual capital costs exceeding this can be confirmed.

8 § If the costs for the premises are to be included in the cost data they must pertain to

1. an area used for security checks,
2. a specifically designated queuing area,
3. an area for visitation of passengers and manual search of cabin luggage, and part of a personnel area, and
4. offices used by personnel performing security checks of passengers and cabin baggage not accounted for in the security checks of the hold baggage.

In the calculation of the costs for the premises the specifically designated queuing area can, at most, be of the same size as the area designated for security checks.

Costs for premises pertaining to control of hold baggage shall be calculated for

1. part of baggage hall used for security checks,
2. operator's area,
3. area for manual search, and
4. part of personnel area and offices used by personnel performing security checks of hold baggage not accounted for in the security checks of the cabin baggage.

The costs for premises shall be calculated as capital costs for relevant areas in buildings owned by the airport holder, or as actual rental costs for relevant areas in buildings rented by the airport holder, plus operative expenses.

Operative expenses such as electricity, heating and cleaning are calculated as actual costs. Standard cost models calculated by industry organs can also be used. If standard cost models are used, these shall be accounted for in detail in an appendix to the cost data.

9 § Equipment costs shall pertain to capital costs and costs for operations and maintenance in order to be included in the cost data. For equipment that is not of lesser value, but approved according to Regulation (EC) No 300/2008 of the European Parliament and the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002, a written motivation for the purchase must be drawn up in connection to the purchase. This document must be made available for the Swedish Transport Agency. The motivation shall, at least, include a description, including flow capacity, and cost information as well as an assessment of how the equipment corresponds to the airport's needs.

The demand list in the call for tenders shall take cost efficiency and airport needs into account.

Equipment and spare parts of lesser value shall be written off directly and the whole cost be accounted for during the acquisition year. The assessment of lesser value shall be according to the Accounting Act, and shall normally coincide with the external accountancy.

Costs for operations and maintenance shall be calculated in one part for work carried out by own personnel or entrepreneurs, in another part for costs stemming from maintenance agreements.

10 § In order to be included in the cost data, personnel costs must pertain to personnel working directly with security checks of passengers and their baggage or personnel in operative management positions directly linked to the execution of security checks of passengers and their baggage.

Personnel costs shall be calculated as actual costs unless the Swedish Transport Agency's standard model for calculation of staff needs and hourly costs is applied.

General advice

Airport holders running an airport with no more than one flow in the security check should use the Swedish Transport Agency's standard model for calculation.

11 § Liability and property insurances shall be included in the costs for security checks of passengers and their baggage. This cost must not surpass the costs for the security checks of passengers and their baggage as a share of the total costs for running the airport.

If an airport holder, by a certificate from an independent party, can demonstrate that the security check of passengers and their baggage actually

corresponds to a greater part of the risks intended to be covered by the liability and property insurance, a cost corresponding to this actual share may be included in the cost data.

12 § 50 % of the costs for the Swedish Transport Agency's annual charge for aviation security may be included in the cost data.

Other fees and charges related to the equipment used for the security checks of passengers and their baggage may be included in the cost data.

13 § Airport holders who have entered into agreements with one or many airport users regarding the supply of superior services for all or some of the passengers shall account for a share of the cost for this superior service that corresponds to a normal service standard in the cost data.

The calculation of costs pertaining to superior commercial services shall be accounted for separately in an appendix to the cost data.

14 § With regards to constructions and reconstructions pertaining to the security checks of passengers and their baggage, only costs directly caused by for example changed regulations on security checks of passengers and their baggage or increased passenger volumes shall be included in the cost data. Indirect costs stemming from the reconstruction shall not be included in the cost data.

15 § An airport holder whose airport serviced 200 000 passengers or more the previous year and for which fees are charged in accordance with 3 §, shall submit an updated prognosis for the cost development pertaining to the work with security checks to the Swedish Transport Agency. The prognosis shall be handed in no later than 30 April and 1 October, respectively. The Swedish Transport Agency may request additional cost prognosis from the airport holders.

16 § The cost data and prognosis shall be submitted in the manner determined by the Swedish Transport Agency.

Final reconciliation of the previous year's costs

17 § After the current operational year, the airport holder shall, no later than 28 February, submit verified information from the airport manager pertaining to the final costs for the security checks to the Swedish Transport Agency. The information shall be submitted in the same form as the cost data, in accordance with 16 §.

Exception

18 § The Swedish Transport Agency may grant exceptions to these provisions.

This statute shall enter into force on 1 January 2013, when the Swedish Transport Agency's regulation (TSFS 2010:181) for the general charge compensation system for security checks of passengers and their baggage ceases to apply.

On behalf of the Swedish Transport Agency

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This is a translation of the Swedish Transport Agency's regulations from Swedish into English. If the translation does not fully correspond to the Swedish content, the Swedish original will always have priority.