

This document is an English translation of the Dutch version of the 'Wet luchtvaart (afdeling 8.4 De exploitatie van de luchthaven)'. In the event of any disparity between the Dutch original and this translation, the Dutch text will prevail. No rights can be derived from the information provided in this translation

Chapter 8.4 Operation of the airport

Section 8.24a

1. The airport operator is required to allow airport air traffic at the airport for civil aviation purposes, in accordance with the rules stipulated in or pursuant to this Act or the Aviation Act.
2. Subsection (1) does not apply to circuit flights, training flights and test flights.
3. The operator is required to allow airport air traffic at the airport for military aviation purposes in situations indicated by Our Minister of Infrastructure and the Environment in agreement with Our Minister of Defence, in accordance with the rules stipulated in or pursuant to this Act or the Aviation Act.

Section 8.25

1. Operation of the airport without a licence from Our Minister of Infrastructure and the Environment is prohibited.
2. An airport operating licence is granted for an indefinite period of time.

Section 8.25a

The airport operator is required to operate the airport, and to that end it must, in compliance with Section 8.3, take the necessary measures to ensure the proper handling of airport air traffic and the associated passenger and goods transport at the airport.

Section 8.25b

1. Our Minister of Infrastructure and the Environment may revoke a licence if:
 - a) the airport operator is guilty of mismanagement, as a result of which the continuity of the airport is jeopardised;
 - b) national spatial planning policy no longer envisages an airport in the location concerned.
2. Our Minister of Transport, Public Works and Water Management may revoke the licence at the airport operator's request if revoking it is not in conflict with the public interest.

Section 8.25c

If there are serious suspicions that a situation as described in section 8.25b(a) threatens to arise, Our Minister of Transport, Public Works and Water Management may issue instructions to the airport operator to take measures within a time limit to be set by him to prevent mismanagement.

Section 8.25d

1. Once every three years, the airport operator will set the charges and conditions for the next three-year period for the activities it undertakes to facilitate the use of the airport by users.
2. The charges and conditions referred to in subsection (1) may differ from year to year within the three-year period.
3. The charges and conditions referred to in subsection (1) will take effect on 1 April.
4. The airport operator will set adjusted charges annually, based on the charges referred to in subsection (1) and Section 8.25db which have been set for the year in question. The adjustment concerns one or more of the individual settlements payable by the airport operator to users, as

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referred to in Section 8.25dg.

5. The airport operator may set adjusted charges annually, based on the charges referred to in subsection (1) and Section 8.25db which have been set for the year in question. The adjustment will concern one or more of the individual settlements payable by the users to the airport operator, as referred to in Section 8.25dg.
6. The airport operator may also, if warranted, adopt adjusted operating conditions for the remainder of the three-year period referred to in subsection (1), based on the conditions referred to in subsection (1) and Section 8.25db.
7. The adjusted charges referred to in subsections (4) and (5) will take effect on 1 April.
8. The adjusted operating conditions referred to in subsection (6) will take effect on a date to be specified by the airport operator; in selecting a date, the airport operator must follow the detailed rules referred to in Sections 8.25di(1) and 8.25e(12).

Section 8.25da

1. The airport operator must notify users and representative organisations of the setting of the charges and conditions, before the period to which the charges and conditions referred to in Section 8.25d(1) relate.
2. In setting the charges and conditions referred to in Section 8.25d(1) the airport operator must take account of the views of users and representative organisations, and in the notification of the setting of the charges and conditions it must indicate, with reasons:
 - a) whether, to what extent and in what way these views led to any adjustment of the proposed charges and conditions; and
 - b) what possible effects the charges and conditions could have on network quality.
3. At the request of a user or representative organisation, the airport operator will ensure that the notification of the setting of the charges does not contain any information in which that user or representative organisation could be identified, if the information in the views expressed by the user or representative organisation qualifies as confidential.
4. Before the start of the period to which the adjusted charges referred to in Section 8.25d(4) and (5) relate, the airport operator must communicate the adoption of the individual settlements referred to in Section 8.25dg, the balance of the individual settlements and the resulting adjusted charges to users and representative organisations. Subsections (2)(a) and (3) apply by analogy.
5. The airport operator must notify users and representative organisations of the adjusted conditions referred to in Section 8.25d(6), before the period to which those adjusted conditions relate. Subsections (2)(a) and (3) apply by analogy.

Section 8.25db

1. Contrary to Section 8.25d(1) and (3), the airport operator may set new charges and conditions for the remainder of the period referred to in Section 8.25d(1), in connection with the implementation of changes to security measures. These charges and conditions may take effect on either 1 April or 1 November of any given year.
2. Contrary to Section 8.25d(1) and (3), the airport operator may set new charges and conditions for the remainder of the period referred to in Section 8.25d(1), in the event of exceptional and unforeseen circumstances. These charges and conditions may take effect on either 1 April or 1 November of any given year.
3. Contrary to Section 8.25d(1) and (3), the airport operator may set new charges and conditions for

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the remainder of the period referred to in Section 8.25d(1) in response to a decision by the Authority for Consumers and Markets of the kind referred to in Section 8.25f(4), in response to a decision made by the Authority for Consumers and Markets under Section 11.24, or in response to a court ruling, if such decision or ruling has an impact on the structure of and interrelationship between the charges for the various types of traffic and transport. These charges and conditions may take effect on either 1 April or 1 November of any given year.

4. The airport operator must notify users and representative organisations of the setting of the charges and conditions referred to in the above subsections before the period to which these charges and conditions relate. Subsections 8.25da(2) and (3) apply by analogy.

Section 8.25dc

1. The charges and conditions referred to in Sections 8.25d and 8.25db must be reasonable and non-discriminatory.
2. The charges referred to in Sections 8.25d and 8.25db may be differentiated from a public interest perspective, including the protection of the environment. The criteria for this differentiation of charges must be able to justify the differentiation and be objective and transparent.
3. The charges referred to in Sections 8.25d and 8.25db must be cost-oriented for all activities.
4. Without prejudice to subsection (3), the charges for all security activities relating to civil aviation must be cost-oriented.

Section 8.25dd

1. When setting the charges referred to in Section 8.25d(1), the airport operator must take into account a contribution from activities other than the activities referred to in Section 8.25d(1), and activities other than the 'other activities' referred to in subsection (2). For this contribution, the airport operator must consider the continuity of the business and the financial viability of the investments of the airport operator.
2. When setting the charges referred to in Section 8.25d(1), the airport operator will take into account the allocated revenues from its other activities that are directly connected to the activities referred to in Section 8.25d(1).
3. When setting the charges referred to in Sections 8.25d(1) and 8.25db(1), the airport operator will take into account the costs of structural measures to implement special directions issued by Our Minister of Security and Justice as referred to in Section 37ac(2) of the Aviation Act, insofar as those measures relate to civil aviation security.

Section 8.25de

1. Once every three years and before the period to which the five-year investment programme relates, the airport operator will adopt a five-year investment programme concerning its activities related to the use of the airport by users. The investments planned for the fourth and fifth years of the investment programme are indicative in nature.
2. Before the start of the financial year to which the charges and conditions referred to in Section 8.25d(1) relate, the airport operator must give notice of adoption of the five-year investment programme referred to in subsection (1).
3. In adopting the five-year investment programme, the airport operator must take account of the views of users and representative organisations, and in the notice referred to in subsection (2) it must indicate, with reasons:
 - a) whether, to what extent and in what way these views led to an adjustment of the proposed

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- investment programme;
 - b) the extent of support for the investment programme among users and representative organisations.
4. At the request of a user or representative organisation, the airport operator will ensure that the notice of adoption of the five-year investment programme does not contain any information in which that user or representative organisation could be identified, if the information in the views expressed by the user or representative organisation is categorised as confidential.

Section 8.25df

1. For each investment project or each individual component thereof, the airport operator will consult those users and representative organisations that have indicated a desire to participate in a specific project group focusing on that investment project.
2. For each investment project, before the start of the tendering process for that project or each individual component thereof, the airport operator will at a minimum establish an estimate and the corresponding functional specifications and communicate them to the users and representative organisations participating in the project group referred to in subsection (1).
3. In establishing the estimate and corresponding functional specifications for each investment project or each individual component thereof, the airport operator must take account of the views of the users and representative organisations participating in the project group referred to in subsection (1).
4. Before the start of the realisation phase of each investment project or each individual component thereof, the airport operator must, at a minimum, notify the members of the project group referred to in subsection (1) of the setting of the investment budget and functional specifications for that investment project.
5. Upon completion of the realisation of each investment project or each individual component thereof, the airport operator must at a minimum notify the members of the project group referred to in subsection (1) with regard to the actual expenditure and the functional specifications achieved in the investment project or each individual component thereof, and any discrepancies in relation to the investment budget and the functional specifications set as part of the tendering process.
6. In the event of a change to the functional specifications referred to in subsection (4), in the period between the start of the realisation phase and completion of the realisation phase, subsections (1) to (5) inclusive apply by analogy.
7. In the event that the investment project consists entirely of services, the supply of goods, or work for which no tendering process is required, subsections (1) to (5) inclusive apply by analogy.

Section 8.25dg

1. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and (5) and in compliance with those subsections, the airport operator must offset the differences between the estimated and actual revenues and costs related to the projections and achievement of traffic and transport volumes, as determined from the financial statements.
2. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and in compliance with that subsection, the airport operator must offset the additional revenue from the security-related charges referred to in Section 8.25dc(4) obtained following the revocation of a structural measure referred to in Section 8.25dd(3) where the charges for civil aviation security had not yet been adjusted accordingly, as determined from the financial statements.
3. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and (5) and in compliance with those subsections, the airport operator must offset the turnover resulting from the

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difference between the charge applied by the airport operator and the charge set by the airport operator in response to a decision of the Authority for Consumers and Markets, as referred to in Section 8.25f(4). The turnover referred to in this subsection is to be determined from the financial statements.

4. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and (5) and in compliance with those subsections, the airport operator must offset the turnover resulting from the difference between the charge applied by the airport operator and the charge set by the airport operator in response to a decision made by the Authority for Consumers and Markets under Section 11.24 or a court ruling. The turnover referred to in this subsection is to be determined from the financial statements.
5. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and (5) and in compliance with those subsections, the airport operator must offset the increase or decrease in turnover resulting from a decision of the Authority for Consumers and Markets or a court ruling, as referred to in subsections (3) or (4), that has an impact on the structure of a portion of the charges. The increase or decrease in turnover referred to in this subsection is to be determined from the financial statements.
6. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and (5) and in compliance with those subsections, the airport operator must offset the difference between the depreciation, capital and operating costs as included in the budget for the investment as included in the investment programme referred to in Section 8.25de, and the actual depreciation, capital and operating costs of the investments, as determined from the financial statements. The preceding sentence applies by analogy to cases where assets are commissioned or decommissioned earlier or later than planned, during the period for which the charges referred to in Section 8.25d or Section 8.25db are in effect. The differences in depreciation, capital and operating costs referred to in this subsection are to be determined from the financial statements.
7. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and (5) and in compliance with those subsections, the airport operator must offset the differences between the estimated and actual costs related to activities undertaken at the request of a user or imposed by the government. The differences referred to in this subsection are to be determined from the financial statements.
8. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and (5) and in compliance with those subsections, the airport operator must offset the increase or decrease in costs resulting from the exceptional and unforeseen circumstances referred to in Section 8.25db(2) starting or ceasing to exist. The increase or decrease in costs referred to in this subsection is to be determined from the financial statements.
9. If the actual investment expenditure referred to in Section 8.25df(5) is lower than the investment budget referred to in Section 8.25df(4) and subsection (6) and the difference between the expenditure and the budget exceeds a percentage to be determined by a general order in council, then, for the purpose of the adjustment of charges referred to in Section 8.25d(4) and in compliance with that subsection, the airport operator must, contrary to subsection (6), offset this difference for the remaining years of the three-year period referred to in Section 8.25d(1) in which the investment project or a component thereof is commissioned and for the subsequent three-year period. The settlement of the difference in the period referred to in the preceding sentence is equal to half of the difference in annual depreciation, capital and operating costs resulting from the difference between the investment budget for the investment project referred to in Section 8.25df(4) and subsection (6), and the lower actual expenditure for the investment project as referred to in Section 8.25df(5). The difference referred to in this subsection is to be determined from the financial statements.
10. If the actual investment expenditure referred to in Section 8.25df(5) is higher than the investment budget referred to in Section 8.25df(4) and subsection (6) and the difference between the expenditure and the budget is greater than a percentage to be determined by a general order in

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council, then, contrary to subsection (6), the difference in depreciation, capital and operating costs resulting from the difference between the actual investment expenditure and the investment budget will be excluded from the costs and charges for the remaining years of the three-year period referred to in Section 8.25d(1) in which the investment project or a component thereof is commissioned and for the subsequent three-year period. The provisions of the first sentence do not apply if and insofar as the difference between the investment budget and the higher actual investment expenditure is the result of exceptional and unforeseen circumstances.

11. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and (5) and in compliance with those subsections, the airport operator must offset the difference between the estimated and actual costs related to insurance premiums to cover damage resulting from terrorism, as determined from the financial statements.
12. For the purpose of the adjustment of charges referred to in Section 8.25d(4) and (5) and in compliance with those subsections, the airport operator must offset the differences between the estimated and actual costs related to a delay in the execution of activities, compared to the forecasted time frame, as determined from the financial statements.

Section 8.25dh

The airport operator will apply the charges and conditions set pursuant to Section 8.25d(1) and Section 8.25db(1) to (3), the adjusted charges set pursuant to Section 8.25d(4) and (5), and the adjusted conditions set pursuant to Section 8.25d(6), for the period to which those charges and conditions or adjusted charges and conditions relate.

Section 8.25di

1. Further rules will be established in or pursuant to a general order in council, regarding:
 - a) the activities related to the use of the airport by users for which the charges and conditions referred to in Section 8.25d(1) and 8.25db(1) to (3), the charge adjustments referred to in Section 8.25d(4) and (5) and the adjustments to operating conditions referred to in Section 8.25d(6) are set;
 - b) the timing of the setting of the charges and conditions referred to in Section 8.25d(1) and 8.25db(1) to (3), the charge adjustments referred to in Section 8.25d(4) and (5) and the adjustments to operating conditions referred to in Section 8.25d(6);
 - c) the notification of amendments to the conditions referred to in Section 8.25d(1) and Section 8.25db(1) to (3) during the period referred to in Section 8.25d(1), and the timing of those amendments;
 - d) the notification of the adjusted operating conditions referred to in Section 8.25d(6);
 - e) the manner and timing of the notifications referred to in Section 8.25da(1), (4) and (5) and Section 8.25db(4);
 - f) the exceptional and unforeseen circumstances referred to in Section 8.25db(2) and Section 8.25dg(10);
 - g) the cost orientation referred to in Section 8.25dc(3) and (4);
 - h) the procedure and methodology according to which the airport operator must implement Section 8.25dd(1) and the associated information that must be provided;
 - i) the other activities referred to in Section 8.25dd(2), which are directly connected to the activities related to the use of the airport;
 - j) the timing and manner in which the airport operator must implement Section 8.25dd(3), which may be contrary to the rules referred to in paragraph (b) if necessary;
 - k) the timing and manner of notification of the adoption of the five-year investment programme referred to in Section 8.25de(2);
 - l) the timing and manner of the airport operator's annual information to users and representative organisations about the progress of the investment programme;
 - m) the minimum amount of the investment project;
 - n) the timing and manner in which the project group referred to in Section 8.25df(1) will be formed;

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- o) the consultation and notifications concerning an investment project or each individual component thereof, as referred to in Section 8.25df(1), (2), (4) and (5);
 - p) the timing and manner of the set-offs referred to in Section 8.25dg(1) to (9), (11) and (12), as well as the timing and manner of the provision of information by the airport operator about the settlements and the other conditions imposed on the settlements;
 - q) the percentage of the difference between the actual investment expenditure for the investment project or each individual component thereof and the investment budget, as referred to in Section 8.25dg(9) and (10).
2. A proposal for a general order in council to be established pursuant to subsection (1) may not be promulgated until at least four weeks after the draft has been submitted to both Houses of Parliament.

Section 8.25dj

1. Our Minister of Infrastructure and the Environment may designate as an "airport network" a group of airports operated by the airport operator or, if different, by a single holder of an airport operating licence.
2. Our Minister of Infrastructure and the Environment may grant the airport network operator permission to establish a single, transparent system of charges for the entire airport network.
3. Our Minister of Infrastructure and the Environment may grant permission to the airport operator and the operator of every other participating civilian airport, insofar as they provide air links to the same city or conurbation, to establish a single, transparent system of charges for all airports providing air links to the same city or conurbation.
4. If a single, transparent system of charges is established, as referred to in subsection (2) or (3), the airport operator will send a proposal of the charges and conditions to the users and representative organisations, and will set the charges and conditions for Amsterdam Airport Schiphol in accordance with Sections 8.25d to 8.25h. The operators of every other participating civilian airport must notify the users and representative organisations of proposals and set charges in accordance with Sections 8.25d(1), (4), (5) and (6), 8.25da, 8.25db, 8.25dc(1), 8.25dd, 8.25de(1), 8.25df(1), 8.25dg, 8.25e, 8.25f, 8.25fa, 8.25h and 8.25j and the rules set pursuant to Section 8.25di. The operator and the other participating civilian airports will ensure the necessary alignment of their respective charges.

Section 8.25e

1. For the purpose of setting the charges and conditions referred to in Sections 8.25d(1) and 8.25db(1) to (3), the airport operator will give users and representative organisations advance notice of proposals for such charges and conditions with a description of the associated services to be provided, as well as explanatory notes, which must at a minimum include an economic justification, a cost benchmark, a charges benchmark, a benchmark for quality indicators and a substantiated description of the possible effects of the proposed charges and conditions on network quality.
2. For the purpose of setting the adjusted charges referred to in Section 8.25d(4) and (5), the airport operator must give users and representative organisations advance notice of proposals for the individual settlements referred to in Section 8.25dg, the balance of those settlements and the resulting adjusted charges.
3. For the purpose of setting the adjusted conditions referred to in Section 8.25d(6), the airport operator must give users and representative organisations advance notice of proposals for adjustments.
4. Users will provide the airport operator with the information referred to in subsection (12)(f) before notice is given of the proposal for the charges and conditions referred to in Section 8.25d(1) and

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Section 8.25db.

5. The airport operator will consult users and representative organisations about the proposals referred to in subsections (1) to (3) before setting the charges and conditions or adjusted charges and conditions.
6. For the purpose of establishing the investment programme referred to in Section 8.25de(1), the airport operator must give users and representative organisations advance notice of the proposal for the five-year investment programme.
7. For the purpose of establishing the estimate for an investment project and the functional specifications prepared for that investment project, the airport operator must, for each investment project or individual component thereof, give the project group referred to in Section 8.25df(1) advance notice of a proposal that must contain, at a minimum, an estimate, the justification for that estimate, and the functional specifications associated with the investment project concerned or each individual component thereof.
8. The airport operator must consult users and representative organisations about the investment programme referred to in subsection (6), before establishing it.
9. The airport operator must consult the project group referred to in Section 8.25df(1) about the estimate and corresponding functional specifications for each investment project or individual component thereof, before establishing them.
10. Within four weeks after the date on which the notice referred to in subsection (1), (2), (3) or (6) is given, users and representative organisations may submit their views about the proposal referred to in subsection (1), (2), (3) or (6) to the airport operator.
11. Users and representative organisations participating in the project group referred to in Section 8.25df(1) may, within a time frame agreed upon by the project group, which may not be more than four weeks from the date on which the notice referred to in subsection (7) is given, submit their views about the proposal to the airport operator.
12. Further rules will be established in or pursuant to a general order in council, regarding:
 - a) the manner and timing with which the notices referred to in subsections (1) to (3), (6) and (7) are given;
 - b) the manner in which the consultation referred to in subsections (5) and (8) is carried out;
 - c) the information which the airport operator must include in proposals for the charges and conditions referred to in subsection (1) and the adjusted charges and conditions referred to in subsections (2) and (3) and the associated explanatory notes, including the benchmarks referred to in subsection (1);
 - d) the information which must be given by the airport operator regarding the investment programme proposal referred to in subsection (6);
 - e) the information which must be given by the airport operator regarding the proposal for an investment project or any individual component thereof, as referred to in subsection (7);
 - f) the information to be provided by the users to the airport operator, as referred to in subsection (4); and
 - g) the process by which the benchmarks referred to in subsection (1) will be applied.
13. Users and representative organisations must consider and treat as confidential both the information provided by the airport operator under this section and the investment programme referred to in subsection (6).
14. Members of the project group referred to in Section 8.25df(1) must treat as confidential the information provided to them by the airport operator under this section about an investment project as referred to in subsection (7) or any individual component thereof.

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15. The airport must likewise consider and treat as confidential the information as referred to in subsection (4) provided to it under this section by users; furthermore, the airport operator may not incorporate such information into the proposal in a form that would allow it to be traced back to a particular user.

Section 8.25ea

1. Airport users who wish to make use of customised services, or terminals or parts of terminals reserved specifically for them, may submit a request to that effect to the operator.
2. The airport operator will establish relevant, objective, transparent and non-discriminatory criteria on the basis of which requests from airport users will be assessed.
3. In addition to the criteria referred to in subsection (2), the airport operator may apply additional criteria if the content of the request so dictates. The additional criteria must comply with the same requirements as the criteria referred to in subsection (2).
4. Within four weeks after the airport operator has made a decision regarding a request as referred to in subsection (1), the Authority for Consumers and Markets will establish whether the operator's decision was in breach of any rules established in or pursuant to this Act, if a user has submitted an application requesting it to do so. The Authority for Consumers and Markets will issue its opinion within three months. If the Authority for Consumers and Markets establishes that the decision was in breach of any rules established in or pursuant to this Act, it will inform the airport operator without delay. The airport operator will make a new decision on the request within four weeks, taking account of the considerations stipulated by the Authority for Consumers and Markets.

Section 8.25f

1. Within four weeks after the date on which the notifications referred to in Section 8.25da(1), (4) and (5) and Section 8.25db(4) are made, a user or representative organisation may submit an application to the Authority for Consumers and Markets to establish whether the charges and conditions referred to in Sections 8.25d(1) and 8.25db(1) to (3), the adjusted charges referred to in Section 8.25d(4) and (5) or the adjusted conditions referred to in Section 8.25d(6) are in breach of any rules established in or pursuant to this Act. As a result of that application, the charges and conditions or the adjusted charges and conditions referred to will not be implemented on the proposed start date. The application cannot relate to the manner in which or the extent to which the airport operator complied with Sections 8.25dd(1) or 8.25de(4). The Authority for Consumers and Markets will inform the airport operator without delay that it has received an application from a user or representative organisation.
2. Within four weeks of receiving the application referred to in subsection (1), the Authority for Consumers and Markets will make a decision concerning the implementation of the charges and conditions or adjusted charges and conditions set by the airport operator. In its decision, the Authority for Consumers and Markets will designate the charges and conditions or adjusted charges and conditions for which, in light of the application, it is necessary to suspend the implementation as referred to in subsection (1). In lieu of these designated charges and conditions or adjusted charges and conditions, the operator must apply the charges and conditions or adjusted charges and conditions that were in force in the period preceding the period for which the designated charges and conditions or adjusted charges and conditions were set. Any charges and conditions or adjusted charges and conditions that are not so designated will be implemented on the start date proposed by the airport operator. It will not be necessary to make a decision as referred to in the first sentence if a decision on the application itself can be made within the time frame specified in that sentence.
3. The Authority for Consumers and Markets will make a decision as quickly as possible, and not more than four months after receiving an application. In exceptional cases, this time frame may be extended by two months. The Authority for Consumers and Markets must notify the applicant and

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the airport operator of the extension before the end of the time frame referred to in the first sentence, and must state its reasons.

4. If the Authority for Consumers and Markets establishes that the charges and conditions referred to in Sections 8.25d(1) and 8.25db(1) to (3), the adjusted charges referred to in Section 8.25d(4) and (5) or the adjusted conditions referred to in Section 8.25d(6) are in breach of any rules established in or pursuant to this Act, it will inform the airport operator and the applicant without delay. Within four weeks of the decision by the Authority for Consumers and Markets, the airport operator will set new charges and conditions as referred to in Sections 8.25d(1) and 8.25db(1) to (3), or new adjusted charges as referred to in Section 8.25d(4) and (5), or new adjusted conditions as referred to in Section 8.25d(6), in compliance with the decision and taking account of the considerations stipulated by the Authority for Consumers and Markets. Once the new charges and conditions or new adjusted charges and conditions have been set, the Authority for Consumers and Markets will withdraw the decision made pursuant to subsection (2) concerning implementation. The new charges and conditions referred to in Sections 8.25d(1) and 8.25db(1) to (3), the new adjusted charges referred to in Section 8.25d(4) and (5) and the new adjusted conditions referred to in Section 8.25d(6) will apply from the start date originally proposed by the airport operator.
5. If the Authority for Consumers and Markets establishes that the charges and conditions referred to in Sections 8.25d(1) and 8.25db(1) to (3), the adjusted charges referred to in Section 8.25d(4) and (5) or the adjusted conditions referred to in Section 8.25d(6) are not in breach of any rules established in or pursuant to this Act, it will withdraw the decision concerning implementation referred to in subsection (2), and these charges and conditions or adjusted charges and conditions will apply from the start date originally proposed by the airport operator. The Authority for Consumers and Markets will inform the airport operator and the applicant of its decision.
6. Subsection (1) and Sections 8.25da, 8.25db(4) and 8.25e do not apply to the setting of charges and conditions or adjusted charges or conditions pursuant to subsection (4).
7. The airport operator will apply the charges and conditions or adjusted charges and conditions set pursuant to subsection (4) throughout the remainder of the period to which the application referred to in subsection (1) related.
8. Further rules will be established in or pursuant to a general order in council, regarding the application to the Authority for Consumers and Markets referred to in subsection (1) and regarding the setting of charges and conditions or adjusted charges and conditions by the airport operator as referred to in Section 4.

Section 8.25fa

1. A participant in the project group referred to in Section 8.25df(1) may, within two weeks after the date on which the airport operator made the communication referred to in Section 8.25df(2), submit an application to the Authority for Consumers and Markets for an assessment of whether the procedure referred to in Section 8.25e(7), concerning an investment project or component thereof, was followed correctly and in a timely manner. The Authority for Consumers and Markets will inform the airport operator without delay that it has received an application from a participant in the project group.
2. The Authority for Consumers and Markets will make a decision as quickly as possible regarding the application referred to in subsection (1), and not more than two months after receiving the application.
3. If the Authority for Consumers and Markets establishes that the rules concerning the procedure referred to in Section 8.25e(7) were not complied with in a complete, correct and timely manner, it will inform the airport operator and the applicant.
4. The airport operator will provide information to the project group referred to in Section 8.25df(1), taking account of the considerations stipulated by the Authority for Consumers and Markets under

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subsection (2), and will also indicate when and how the rules concerning the procedure referred to in Section 8.25e(7) will be complied with in a complete, correct and timely manner.

5. The airport operator must, in compliance with the decision and taking account of the considerations stipulated by the Authority for Consumers and Markets, communicate to the project group referred to in Section 8.25df(1), at a minimum, the adjustments to the investment estimate, the justification for that estimate, and the functional specifications associated with the investment project concerned.
6. Subsection (1) does not apply to the communication referred to in subsection (5).
7. Further rules will be established in or pursuant to a general order in council regarding the application to the Authority for Consumers and Markets referred to in subsection (1).

Section 8.25g

1. The airport operator will establish a system for the allocation of the annual costs and revenues of the activities referred to in Section 8.25d(1), which system meets the requirements of market conformity, proportionality and integrality. The airport operator will submit the allocation system to the Authority for Consumers and Markets for approval.
2. For the activities relating to the use of the airport by users, the airport operator will keep separate records within its general accounts, in which the costs and revenues of the implementation of security for passengers and their baggage, as referred to in Section 8.25dc(4), are recorded separately.
3. Based on the separate records within the general accounts referred to in subsection (2), the airport operator will annually draw up financial accounts for the preceding financial year, which consist of a separate operating statement and a list of the tangible fixed assets allocated to the activities as a whole, as referred to in Section 8.25d(1). The financial accounts must contain explanatory notes and be accompanied by a statement from an independent auditor.
4. The airport operator must, within five months after the end of its financial year, submit the financial accounts for the preceding financial year, together with the independent auditor's statement, to the Authority for Consumers and Markets and to any users and representative organisations who so request.
5. Further rules will be established in or pursuant to a general order in council regarding the duration, design and approval of the allocation system referred to in subsection (1), the allocation of assets to activities as referred to in Section 8.25d(1), the design of the separate records within the general accounts referred to in subsection (2), and the financial accounts referred to in subsection (3).
6. Chapter 3.4 of the General Administrative Law Act applies to the preparation of a decision regarding approval of the allocation system.
7. Without prejudice to Section 3.15 of the General Administrative Law Act, airport users and representative organisations may put forward their views about the proposed decision regarding approval of the allocation system.
8. A proposal for a general order in council to be established pursuant to subsection (5) may not be promulgated until at least four weeks after the draft has been submitted to both Houses of Parliament.

Section 8.25ga

The airport operator will send the benchmarks referred to in Section 8.25e(1) for the preceding financial year to both the Authority for Consumers and Markets and the users and representative organisations, no later than the date on which it sends out the notices referred to in Section 8.25e(1)

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and (2).

Section 8.25h

1. The airport operator will send the Authority for Consumers and Markets a copy of the notices, notifications and communications referred to in Sections 8.25da(1), (4) and (5), 8.25db(4), 8.25de(2), 8.25df(2) and (5), and 8.25e(1) to (3), (6) and (7).
2. The airport operator will, within the time frame set by the Authority for Consumers and Markets, provide all cooperation that the Authority may reasonably request in the exercise of its powers under this Act.
3. Section 4.15 of the General Administrative Law Act applies by analogy if the Authority for Consumers and Markets requests data from the airport operator for decision-making purposes.
4. In the event of a breach of subsection (2), Section 12m of the Act establishing the Authority for Consumers and Markets applies by analogy.

Section 8.25ha

[Expired on 1 January 2011]

Section 8.25i

[Expired on 1 January 2013]

Section 8.25j

A proposal for a general order in council pursuant to Sections 8.25d to 8.25g inclusive will be made by Our Minister of Infrastructure and the Environment in agreement with Our Minister of Economic Affairs.