

ICLG

The International Comparative Legal Guide to:

Aviation Law 2015

3rd Edition

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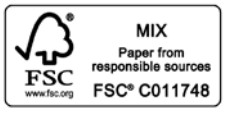
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Switzerland

Urs Haegi





VISCHER AG

Dr. Thomas Weibel

1 General

1.1 Please list and briefly describe the principal legislation and regulatory bodies which apply to and/or regulate aviation in Switzerland.

The Swiss Federal Office of Civil Aviation (FOCA) is the supervision authority responsible for safety (aircraft, flight operations, and infrastructure) and for aviation policy and strategy issues.

Civil Aviation is regulated by two sources: domestic law and international treaties.

Domestic law

The main enactments are:

- Federal Civil Aviation Act (FCAA)

  The FCAA is the "basic law" concerning civil aviation in Switzerland. Based on the FCAA, many Ordinances have been enacted by the Government, i.e., the Swiss Federal Council, and the Department of the Environment, Transport, Energy and Communication (DETEC).
- Federal Act on the Aircraft Records Register

  See question 2.2 below.

International law

There are about 180 bilateral and multilateral treaties. The main sources are:

- The Convention on International Civil Aviation (Chicago Convention).
- Agreement between the European Community and the Swiss Confederation on Air Transport ("EU-CH Agreement"), entered into force on 1 June 2002.

Based on the EU-CH Agreement, Switzerland has adopted the relevant civil aviation regulation in the European Union.

Federal legislative texts are freely available in German, French, and Italian under www.admin.ch (Federal Law/Classified compilation).

1.2 What are the steps which air carriers need to take in order to obtain an operating licence?

For an operating licence for a commercial operator to transport passengers and/or cargo with an aircraft, air carriers are required to:

1. Hold an AOC from the competent national Civil Aviation Authority (Regulation (EC) No 1008/2008).
2. File with FOCA the Application Form for an Operating Licence (Form 49.05; at least 30 days prior to the intended launch date of commercial operation and before the expiry date of the existing operation licence, respectively), including appendices:
   a. certificate on the Swiss or the European character of the company (Form 54.045 including appendices);
   b. leasing or management agreements for the respective aircraft;
   c. aircraft list (registration marks, type of aircraft, seating capacity);
   d. evidence of own flight crews;
   e. tenancy agreement for the office of the operation department (Post Holder Flight Operations);
   f. business plan for 2 operational years;
   g. certified balance sheet, income statement, and auditor's report; and
   h. opening balance sheet and financial plan (budget).
3. File with FOCA certain corporate documents (articles of association, extract from the commercial register, certified copy of the shareholders' register, organisational chart with information on Board and management).
4. File with FOCA an extract from the debt collection and bankruptcy register (*Betreibungsregisterauszug*) regarding the CEO, the CFO, and the accountable manager.

Carriers with an EU/EFTA operating licence do not need a separate Swiss operating licence in addition (see Form 49.10). Apart from the AOC and the EU/EFTA operating licence, they have to file the following documentation:

1. liability insurance for passengers, baggage, and cargo;
2. security programme;
3. list of aircraft used on routes from and to Switzerland (Form 49.06; if required by FOCA);
4. schedule (Form 49.01);
5. contact information (e.g., handling agent in Switzerland);
6. contact person within the airline concerning Regulation (EC) No 261/2004 issues, i.e., compensation and assistance to passengers (Form 49.03; for FOCA use only);
7. tariffs for the scheduled flights (Form 49.02);
8. declaration of reciprocity for services in the fifth or seventh freedom to destinations outside the EU/EFTA issued by the competent national Civil Aviation Authority; and
9. request for a Route Licence (Form 49.04).

Non-EU/EFTA carriers (see Form 49.07) are subject to further disclosure duties as set out in Form 49.12 (Operating Permit Questionnaire).

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1.3 What are the principal pieces of legislation in Switzerland which govern air safety, and who administers air safety?

Switzerland has adopted the Regulation (EC) 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency. It is the main source of Swiss aviation safety legislation. EASA Rules on Air Operations (OPS) and Implementing Rules (IR) will be applicable in Switzerland. Furthermore, Switzerland has implemented safety management systems as provided for in ICAO Annexes 6, 11 and 14.

The FOCA administers air safety in Switzerland.

1.4 Is air safety regulated separately for commercial, cargo and private carriers?

No, it is not.

1.5 Are air charters regulated separately for commercial, cargo and private carriers?

No. The Swiss Federal Administrative Court has, however, accepted that the operational regulation of the Airport Zurich stipulates a departure prohibition after 10 p.m. solely applicable to air charters (DFAC 2011/19).

1.6 As regards international air carriers operating in Switzerland, are there any particular limitations to be aware of, in particular when compared with 'domestic' or local operators? By way of example only, restrictions and taxes which apply to international but not domestic carriers.

No. Airport concession holders are obliged to grant access to all national and international airlines entitled to fly to Switzerland (Art. 36a of the Federal Civil Aviation Act). Any restrictions must be detailed in the operational regulation of the airport and must not be discriminatory. The operational regulation is subject to FOCA approval.

1.7 Are airports state or privately owned?

Both models exist. Zurich Airport is owned by a publicly traded company (at least 1/3 of the shares of which the canton of Zurich is legally bound to hold), whereas EuroAirport Basel-Mulhouse-Freiburg and Geneva Airport are owned by public corporations.

1.8 Do the airports impose requirements on carriers flying to and from the airports in Switzerland?

Yes. The most notable requirement is the payment of airport charges (Art. 39 of the Federal Civil Aviation Act). In addition, every airport has its own operational regulation which can contain certain requirements regarding safety, environmental issues, noise protection, etc.

1.9 What legislative and/or regulatory regime applies to air accidents? For example, are there any particular rules, regulations, systems and procedures in place which need to be adhered to?

The Swiss Accident Investigation Board (SAIB) is the state authority of the Swiss Confederation having a mandate to investigate accidents and dangerous incidents involving, *inter alia*, aircraft.

The principal legislation relating to investigation of air accidents includes:

- Art. 26 and Annex 13 of the Chicago Convention;
- Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation;
- Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation (expected to take effect for Switzerland on 1 February 2015);
- Arts. 22 *et seq.* of the Federal Civil Aviation Act; and
- Ordinance on Aviation Accidents and Severe Incidents.

Any accident or severe incident must be reported to the SAIB immediately.

1.10 Have there been any recent cases of note in Switzerland involving air operators and/or airports?

There are pending proceedings at the Federal Administrative Court regarding airport charges.

With the decision of 2 December 2013, the Swiss Competition Commission (COMCO) imposed aggregate fines of approximately CHF 11m on various companies in the air freight sector. The decision has been challenged before the Federal Administrative Court.

2 Aircraft Trading, Finance and Leasing

2.1 Does registration of ownership in the aircraft register constitute proof of ownership?

No. The Swiss Aircraft Register (*Luftfahrzeugregister*) relates to the administrative registration of the aircraft (permit to fly, airworthiness certificate, noise type certificate, nationality of ownership, call sign, etc.). Although the owner is registered in the Aircraft Register, the certificate of registration does not constitute proof of ownership. In addition, aircraft can be registered in the Swiss Aircraft Record (*Luftfahrzeugbuch*) which registration constitutes proof of ownership.

2.2 Is there a register of aircraft mortgages and charges? Broadly speaking, what are the rules around the operation of this register?

Yes; ownership and mortgages can be registered in the Aircraft Record (*Luftfahrzeugbuch*). In respect of ownership, the registration is voluntary.

Registration of any right will only be made upon application by the owner and is only permissible for aircraft already registered in the Aircraft Register. Mortgages can only be set up, and will only become effective, with registration in the Aircraft Record. Any entry will first be published in the Swiss Official Gazette of Commerce (SHAB) and is subject to an objection period of 30 days. This 30-day period has to be borne in mind in any aircraft financing project. The Swiss FOCA, which runs the Aircraft Record, is rather swift in handling the applications. Requests are usually handled within a few days.

Once a right is registered in the Aircraft Record, it can only be altered or deleted by amending the respective registration. In other words, once registered in the Aircraft Record, any transfer of ownership by necessity requires an amendment of the registration.

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2.3 Are there any particular regulatory requirements which a lessor or a financier needs to be aware of as regards aircraft operation?

Mortgages

Certain claims are granted priority over a registered mortgage, although Swiss legislation is more restrictive than foreign law when it comes to accepting preferred security rights (see Art. 47 of the Federal Act on the Aircraft Records Register). There are no maintenance or mechanic's priority rights.

Leases

The lessee of an aircraft can be registered in the Aircraft Register, assuming that all the other requirements for a registration in the Aircraft Register (apart from legal ownership) are fulfilled. In the case of long-term lease agreements under which a Swiss lessee operates the aircraft, a non-Swiss owner may also be registered in the Aircraft Register. Furthermore, lease agreements with a period of validity of more than 6 months can be registered in the Aircraft Record (*Luftfahrzeugbuch*). Such registration gives the lessor and the lessee priority over all rights and agreements recorded subsequently (except for statutory liens). However, the lessor may unilaterally allow the registration of a mortgage, unless this is explicitly excluded in the lease agreement.

2.4 Is Switzerland a signatory to the main international Conventions (Montreal, Geneva and Cape Town)?

Chicago Convention 1944

Switzerland ratified the Convention on 6 February 1947 prior to its effective date of 4 April 1947.

Geneva Convention 1948

Switzerland ratified the Convention on 3 October 1960 prior to its effective date of 1 January 1961.

Montreal Convention 1999

Switzerland ratified the Convention on 7 July 2005 prior to its effective date of 5 September 2005.

Cape Town Convention 2001

The Convention has so far not been ratified by Switzerland.

2.5 How are the Conventions applied in Switzerland?

As Switzerland follows the so-called monistic system, international treaties are incorporated into the Swiss legal order without further legislation. A treaty can be directly applicable ("self-executing") provided that its provisions are litigable, i.e., its content must be sufficiently precise and clear to constitute the basis for a decision in a specific case.

3 Litigation and Dispute Resolution

3.1 What rights of detention are available in relation to aircraft and unpaid debts?

Pursuant to Art. 80 *et seq.* of the Federal Civil Aviation Act, a creditor, a mortgagee, or the owner (e.g., the lessor) of an aircraft can apply for seizure of the aircraft even if the claimant cannot produce an enforceable title. However, the following aircraft shall not be subject to seizure:

1. governmental aircraft (which are designated or actually used by public authorities on an exclusive basis);
2. aircraft actually in service on scheduled flights of a public carrier (and its reserve aircraft); and
3. any other passenger or cargo aircraft ready to depart in such transportation, unless the debt for which the seizure is requested was incurred for, or has become due in the course of, that specific leg.

3.2 Is there a regime of self-help available to a lessor or a financier of aircraft if it needs to reacquire possession of the aircraft or enforce any of its rights under the lease/finance agreement?

No, this is not admissible under Swiss law (other than under the Cape Town Convention).

3.3 Which courts are appropriate for aviation disputes? Does this depend on the value of the dispute? For example, is there a distinction in Switzerland regarding the courts in which civil and criminal cases are brought?

There are no special courts (of any type) for aviation disputes.

Civil proceedings

Civil claims in relation to aviation disputes must be brought before the ordinary civil courts. Four cantons (Aargau, Bern, St. Gallen, and Zurich) have specialised commercial courts competent if (i) the dispute is to be considered a commercial dispute, and (ii) the value threshold of CHF 30,000 is exceeded, which will, in aviation disputes, almost invariably be the case.

Debt enforcement

Enforcement of mortgages is carried out by the competent Debt Enforcement and Bankruptcy Office (*Betreibungsamt*). The same applies to the enforcement of financial claims, if the creditor is in possession of an enforceable title. If he does not hold such title, he may still initiate the enforcement procedure; however, in such cases the debtor may raise objection against the enforcement, and the creditor will then have to obtain a court order before being able to proceed with the enforcement procedure.

Criminal proceedings

Criminal charges are handled by the competent public prosecutors and criminal courts, respectively.

Administrative proceedings

Rulings (*Verfügungen*) by a federal authority (e.g., FOCA) can be challenged in administrative proceedings before the Swiss Federal Administrative Court.

3.4 What type of remedies are available from the courts or arbitral tribunals in Switzerland, both on an i) interim and a ii) final basis?

Interim basis

Seizure of aircraft pursuant to Art. 80 *et seq.* of the Civil Aviation Act (see question 3.1): even if the court is *ex officio* held to take all the necessary precautions to make sure that the seizure will have effect, it may still be advisable to explicitly request the court to deliver a notice of seizure to the Aircraft Register (FOCA), to Skyguide, to the airport where the aircraft is currently positioned, and to the owner of the aircraft (if the seizure was not directed against him, but, e.g., against a lessee). On the rare occasion that the rules on the

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seizure of aircrafts are not applicable, a freezing injunction (*Arrest*) as provided for in the Debt Enforcement and Bankruptcy Act may be obtainable.

Arbitral tribunals: if a dispute is subject to arbitration, the creditor may choose to apply for seizure at the state court or at the arbitral tribunal. The arbitral tribunal is only competent to grant injunctions like a seizure once it has been constituted; the Swiss Rules on International Arbitration therefore provide for the appointment of an Emergency Arbitrator.

Final basis

A court judgment or arbitral award can order specific performance of contractual or other duties, award compensation for damages, or can be a declaratory judgment.

3.5 Are there any rights of appeal to the courts from the decision of a court or arbitral tribunal, and, if so, in what circumstances do these rights arise?

Yes, decisions from a court of first instance can be appealed.

A brief overview (exceptions are not mentioned):

Civil proceedings

Decisions of state courts in civil proceedings can be challenged. The appeal has to be filed with the upper cantonal court, whose decision can then be appealed before the Swiss Federal Supreme Court. However, decisions of commercial courts (see above, question 3.3) are not subject to appeal before an upper cantonal court; they can only be appealed against before the Swiss Federal Supreme Court.

Criminal proceedings

Decisions of state courts in criminal proceedings can be challenged. The appeal has to be filed with the upper cantonal court, whose decision can then be appealed before the Swiss Federal Supreme Court.

Administrative proceedings

Decisions rendered by the Federal Administrative Court can be appealed before the Swiss Federal Supreme Court.

Arbitral proceedings

Arbitral awards can only appealed on the basis of very limited grounds, e.g., if certain procedural rights such as the right to equal treatment, the right to be heard, or the Swiss *ordre public* have been violated.

Switzerland is a Member State of the New York Convention on the enforcement of arbitral awards.

4 Commercial and Regulatory

4.1 How does Switzerland approach and regulate joint ventures between airline competitors?

All agreements between undertakings, decisions by associations of undertakings, and concerted practices, including joint-ventures, which may affect trade between Switzerland and the EC and which are aimed at, or result in, the prevention, restriction or distortion of competition within the territory covered by the Agreement between the European Community and the Swiss Confederation on Air Transport ("EU-CH Agreement"), are prohibited. Contravening decisions or agreements are null and void. Exemptions are possible under the conditions foreseen by the EU-CH Agreement.

This wording, as provided for in Article 8 of the EU-CH Agreement, corresponds to the applicable EU Regulation (Art. 101 and 102 of the Treaty on the Functioning of the European Union (TFEU)). Switzerland has therefore in fact adopted the EU competition regulations.

On 1 December 2014, the Agreement between the European Union and the Swiss Confederation concerning cooperation on the application of their competition laws came into force. It facilitates and strengthens the cooperation between European and Swiss authorities.

4.2 How do the competition authorities in Switzerland determine the "relevant market" for the purposes of mergers and acquisitions?

According to the EU-CH-Agreement, the European Union institutions and not the Swiss competition authorities are competent to control concentration between undertakings ("one-stop-shop principle"). The Swiss authorities only remain competent if the thresholds, as defined in the EC Merger Regulation, are not reached (i.e., generally, a combined aggregate worldwide turnover of EUR 5bn and an aggregate EU-wide turnover of each of at least two of the undertakings concerned of more than EUR 250m).

Therefore, in most cases, the relevant market is not to be determined by Swiss authorities but by the EU institutions.

In the rare cases that remain within the Swiss competence, the relevant market is determined based upon the "O&D" approach ("point of origin/point of destination") as applied by the EU Commission. This approach is applied both to charter and scheduled airlines (see LPC 2008/4, p. 677).

4.3 Does Switzerland have a notification system whereby parties to an agreement can obtain regulatory clearance/anti-trust immunity from regulatory agencies?

Again, in most cases the EC Merger Regulation will apply (see above, question 4.2). However, if Swiss law applies, the answer is yes, the Swiss Cartel Act provides for a notification system.

4.4 How does Switzerland approach mergers, acquisition mergers and full function joint ventures?

See above, question 4.1.

4.5 Please give an outline of the procedure, including time frames for clearance and details of any costs of notifications.

Notification of a planned concentration of undertakings must be made to the Swiss Competition Commission (COMCO). The commission then has to decide within one month whether an examination is to be initiated. During that month, the concentration must not be implemented. After expiration of the one-month period, the applicant will receive either a clearance or the information that an investigation will be initiated. If no such notice is given within that time period, the concentration may be implemented without reservation.

In the event of an investigation being initiated, the Competition Commission must decide within a four-month period whether the concentration will be cleared.

The legal effect of a concentration that has to be notified is suspended.

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4.6 Are there any sector-specific rules which govern the aviation sector in relation to financial support for air operators and airports, including (without limitation) state aid?

Yes. The Agreement between the European Community and the Swiss Confederation on Air Transport ("EU-CH Agreement") stipulates an aviation-specific aid scheme (Art. 13). This scheme corresponds almost literally to the regulation in the EU (Art. 107 TFEU).

As a general rule, the EU-CH Agreement prohibits state aid which distorts or threatens to distort competition. Exceptions are provided for in the EU-CH Agreement.

The decision as to whether state aid is permissible under the aforementioned regulations lies with the Swiss authorities, who are obliged to inform the EU authorities on such aid. Although not expressly provided for in the Agreement, the Swiss authorities are likely to follow the recent practice of the European Union (see the 2014 Aviation Guidelines of the EU Commission, OJ C 99, 4 April 2014, pp. 3 to 34).

4.7 Are state subsidies available in respect of particular routes? What criteria apply to obtaining these subsidies?

The criteria are set out in Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, which is also applicable in Switzerland.

Subsidies for particular routes may be granted to an undertaking carrier operating a particular route under a public service obligation as provided for in Arts. 16 *et seq.* of the Regulation. Before deciding on such a public service obligation, the other Member States, the EU Commission, the airports concerned, and other air carriers operating on that particular route must be consulted.

4.8 What are the main regulatory instruments governing the acquisition, retention and use of passenger data, and what rights do passengers have in respect of their data which is held by airlines?

General rules

The main regulatory instrument in Switzerland governing the acquisition, retention and use of (passenger and other) data is the Federal Act on Data Protection (FADP). The FADP embodies fundamental rules concerning the processing of personal data by both the public and the private sector.

The data subject generally has the right to inspect and to correct false, incomplete, or erroneous data. The collection of the data and the purpose for which it is processed must be readily identifiable by the person concerned. There exists a duty to actively inform the person concerned if particularly sensitive personal data is involved.

Violations of the FADP can lead to criminal proceedings. Furthermore, the data subject enjoys all remedies generally available under civil procedure rules (i.e., injunctions, right to restitution, or right to claim damages).

Aviation-specific rules

Aviation-specific rules are incorporated in the Federal Act on Foreign Nationals (FNA).

According to the Schengen and Dublin Association Agreements, the Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data is applicable in Switzerland. The Directive was implemented in the FNA, which was significantly revised in 2014 (modification not yet in force). The Federal Office of Migration (FOM) determines the flights for which air carriers are required to transmit the personal data of the passengers (see Art. 104 FNA). The affected carriers are obliged to transmit the API-information of all passengers to the Swiss authorities.

Details on how and where the data is to be delivered can be found under www.bfm.admin.ch/dam/data/bfm/eu/schengen-dublin/api-schnittstellenspezi-e.pdf.

4.9 In the event of a data loss by a carrier, what obligations are there on the airline which has lost the data and are there any applicable sanctions?

The FADP (see question 4.8 above) imposes the obligation on any entity which collects data to put in place adequate security measures against data loss. If the loss of data is caused by insufficient security measures, the carrier may become liable for damages.

Unauthorised access to sensitive data can be prosecuted.

4.10 What are the mechanisms available for the protection of intellectual property (e.g. trademarks) and other assets and data of a proprietary nature?

Intellectual property rights are enforced by court action. Each of the 26 cantons of Switzerland has a single cantonal instance with overall jurisdiction for intellectual property and related disputes. In the cantons of Aargau, Bern, St. Gallen, and Zurich, competence lies with the commercial court.

A separate, exclusive jurisdiction has been granted to the newly created (2012) Federal Patent Court as the first instance for patent disputes, including action for infringement and claims concerning the existence or validity of a patent. For other civil actions related to patents, the cantonal courts have concurrent jurisdiction.

An important and effective tool to efficiently prevent acts of infringement under intellectual property law is injunctive relief. If certain conditions can be demonstrated, a court injunction can be obtained relatively quickly. The claimant must demonstrate a valid cause of action, an infringement, a resulting disadvantage that cannot be readily remedied, and urgency. Injunctive relief must be confirmed in the framework of subsequent ordinary court proceedings unless the parties settle.

Furthermore, intellectual property infringements may constitute a criminal offence.

4.11 Is there any legislation governing the denial of boarding rights?

Switzerland has adopted Regulation (EC) No 261/2004 regarding passenger rights in the event of denied boarding and of cancellation or long delay of flights.

In the event of overbooking, the carrier may first determine whether passengers are willing to offer their seat against an indemnification to be agreed upon. If no such volunteers can be found, the carrier must compensate those passengers denied boarding with a payment of up to EUR 600, depending on the distance of the flight. The Regulation requires airlines to offer to the relevant passenger meals, refreshments, and hotel accommodation as appropriate whilst waiting for a rearranged flight. They must also cover any costs of transport between the hotel and the airport.

The passenger rights under Regulation (EC) No 261/2004 must be enforced before the ordinary civil courts.

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In 2012 a civil court of first instance ruled that Regulation (EC) No 261/2004 does not apply to a flight from Zurich to a non-EU country.

4.12 What powers do the relevant authorities have in relation to the late arrival and departure of flights?

There exists the possibility of a passenger report to the FOCA, which can initiate administrative fine proceedings and impose fines up to CHF 20,000 (Art. 91 para. 4 pf the Federal Civil Aviation Act).

The passenger report form is available under: www.bazl.admin.ch (Air Passenger Rights).

4.13 Are the airport authorities governed by particular legislation? If so, what obligations, broadly speaking, are imposed on the airport authorities?

Airports can only be run based on a concession by the federal government. Such concessions are based on the Federal Civil Aviation Act and the Ordinance on the Aviation Infrastructure. The airport operators are licensed either for 50 years in the case of national airports, or 30 years in the case of regional airports.

The concession entails the right to commercially run an airport and to raise fees. On the other hand, the airport operator is obliged to open the airport to all aircraft, as provided for in the operational regulation of the airport (see question 1.6 above), and to maintain an infrastructure guaranteeing safe operations.

The operation of the airport must be in line with the Sectoral Aviation Infrastructure Plan (SAIP), and the applicant must have the management skills, technical knowledge, and funds necessary for the operation of the airport, as provided for in the operational regulation.

All details regarding the operation of the airport are then to be specified in the operational regulation which is subject to FOCA approval. Typical contents of the operational regulation are the organisation of the airport, operational hours, departure/arrival procedures, ground handling, further commercial and non-commercial use of the airport, environmental issues, an aerodrome design and operational manual according to ICAO standards, and a Safety Management System.

4.14 To what extent does general consumer protection legislation apply to the relationship between the airport operator and the passenger?

There is no consumer protection legislation specifically governing the relationship between airport operators and passengers.

As regards the general consumer protection legislation (e.g., the Unfair Competition Act), it must be noted that there is typically no contractual relationship between passengers and airport operators.

4.15 What global distribution suppliers (GDS) operate in Switzerland?

All the major GDSs operate in Switzerland, e.g., Travelport, Amadeus, Sabre, etc. (not taking into account the many suppliers of Front-End Tools).

4.16 Are there any ownership requirements pertaining to GDSs operating in Switzerland?

No. However, Switzerland has adopted Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems. According to this Regulation, a system vendor shall publicly disclose, unless this is otherwise made public, the existence and extent of a direct or indirect capital holding of an air carrier or rail-transport operator in a system vendor, or of a system vendor in an air carrier or rail-transport operator.

4.17 Is vertical integration permitted between air operators and airports (and, if so, under what conditions)?

This is not specifically regulated in Switzerland. As long as the competition rules are respected and all the conditions for the approval of the airport operational regulation are fulfilled (especially, in this constellation, the non-discrimination), an integration between air operators and airports should be permissible.

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