



**COMMISSION IMPLEMENTING DECISION (EU) 2025/1039
of 16 May 2025**

on the inconsistency of certain performance targets included in the draft performance plan submitted by Switzerland pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the fourth reference period of the Single European Sky performance and charging scheme

(notified under document C(2025) 2923)

(Only the French, German and Italian texts are authentic)

THE EUROPEAN COMMISSION,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport (¹),

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (²), and in particular Article 11(3), point (c), second subparagraph, thereof,

Having regard to Regulation (EU) 2024/2803 of the European Parliament and of the Council of 23 October 2024 on the implementation of the Single European Sky (³), and in particular Article 58(3) thereof,

After consulting the Single Sky Committee,

Whereas:

1. BACKGROUND

- (1) Pursuant to Article 11 of Regulation (EC) No 549/2004, Member States are to draw up plans, either at national level or at the level of functional airspace blocks ('FABs'), including performance targets, for each reference period of the performance scheme for air navigation services and network functions. Those plans are to include local performance targets which are consistent with the Union-wide performance targets for the reference period concerned.
- (2) The Union-wide performance targets for the fourth reference period ('RP4', 2025-2029) were set out in Commission Implementing Decision (EU) 2024/1688 (⁴).
- (3) All Member States and Switzerland have drawn up and adopted draft performance plans for RP4, which were submitted to the Commission for assessment by 1 October 2024. Switzerland submitted to the Commission a draft performance plan adopted jointly with Belgium, Germany, France, Luxembourg and the Netherlands ('the EU Member States part of FABEC') at the level of Functional Airspace Block Europe Central ('FABEC'). Following the verification of completeness of FABEC's draft performance plan, the Commission requested FABEC to submit an updated draft performance plan by 15 November 2024.
- (4) The Commission's assessment included in this Decision is based on the updated draft performance plan of FABEC ('draft FABEC performance plan') submitted by Switzerland and the Member States comprised in FABEC.

(¹) OJ L 114, 30.4.2002, p. 73, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(2\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(2)/oj).

(²) OJ L 96, 31.3.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/549/oj>.

(³) OJ L 2024/2803, 11.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2803/oj>.

(⁴) Commission Implementing Decision (EU) 2024/1688 of 12 June 2024 setting Union-wide performance targets for the air traffic management network for the fourth reference period from 1 January 2025 to 31 December 2029 (OJ L, 2024/1688, 17.6.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/1688/oj).

(5) The Performance Review Body ('PRB'), assisting the Commission in the implementation of the performance scheme, has submitted to the Commission a report setting out its advice on the assessment of the FABEC's draft performance plan.

(6) In accordance with Article 14(1) of Commission Implementing Regulation (EU) 2019/317 (⁹), the Commission has assessed the consistency of the local performance targets included in the draft FABEC performance plan on the basis of the criteria laid down in point 1 of Annex IV to that Implementing Regulation, and taking account of local circumstances.

(7) The Commission has complemented its assessment with the review of the draft FABEC performance plan in respect of the elements set out in point 2 of Annex IV to that Implementing Regulation. In respect of point 2.1(d)(vii) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission notes that it has not conducted, as part of that review, a detailed analysis of the methodology used by Switzerland for the allocation of costs between *en route* and terminal services in RP4. Therefore, the Commission has not drawn any conclusions, at this stage, in respect of the compliance of that cost allocation methodology with points (e) and (f) of Article 15(2) Regulation (EC) No 550/2004 of the European Parliament and of the Council (⁹) and Article 22(5) of Implementing Regulation (EU) 2019/317.

(8) This Decision covers solely the performance targets and the elements set out in point 2 of Annex IV to Implementing Regulation (EU) 2019/317 which directly apply to the air navigation service provider designated to provide services in the airspace of Switzerland.

2. FINDINGS FROM THE ASSESSMENT

Assessment of the cost-efficiency targets for the *en route* charging zone of Switzerland

(9) The consistency of the cost-efficiency performance targets included in the draft FABEC performance plan regarding the determined unit cost ('DUC') for *en route* air navigation services has been assessed based on the criteria laid down in points 1.4(a), (b) and (c) of Annex IV to Implementing Regulation (EU) 2019/317. Those criteria consist of the DUC trend over RP4, the long-term DUC trend over the third reference period (2020-2024) (RP3) and RP4 (2025-2029), and the baseline value for the DUC at charging zone level compared with the average value of the charging zones where air navigation service providers have a similar operational and economic environment.

(10) The *en route* cost-efficiency targets proposed for the *en route* charging zone of Switzerland for RP4, and the related baseline values, are as follows:

<i>En route</i> charging zone of Switzerland	2019 baseline value	2024 baseline value	2025	2026	2027	2028	2029
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	CHF 110,08	CHF 124,74	CHF 131,82	CHF 133,17	CHF 131,03	CHF 128,63	CHF 129,42
	EUR 109,54	EUR 124,13	EUR 131,17	EUR 132,51	EUR 130,39	EUR 128,00	EUR 128,79

(⁹) Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (OJ L 56, 25.2.2019, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2019/317/oj).

(⁹) Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10, ELI <http://data.europa.eu/eli/reg/2004/550/oj>).

(11) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of Switzerland at charging zone level of +0,7 % over RP4 underperforms the Union-wide trend of - 1,2 % over the same period.

(12) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of Switzerland at charging zone level over RP3 and RP4 of +1,8 % underperforms the long-term Union-wide trend of - 1,0 % over the same period.

(13) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 124,13 of Switzerland, expressed in real terms at 2022 prices ('EUR2022'), is 41,8 % higher than the average baseline value of EUR 87,51 in EUR2022 of the relevant comparator group set out in Article 7, point (e), of Implementing Decision (EU) 2024/1688.

(14) It is necessary to examine whether the deviations referred to in recitals (11), (12) and (13) may be deemed necessary and proportionate in accordance with point 1.4(d) of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the Commission has assessed whether the observed deviations from the Union-wide DUC trend and from the long-term Union-wide DUC trend referred to in recitals (11) and (12) are exclusively due to additional determined costs related to measures necessary to achieve the performance targets in the key performance area of capacity or to restructuring costs within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317.

(15) In respect of the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission notes that Switzerland refers in the draft FABEC performance plan to the additional determined costs incurred over RP4 by the air navigation service provider Skyguide in relation to measures needed for the achievement of the capacity targets ('capacity measures'). The presented capacity measures comprise the following main elements:

- (a) the training and recruitment by Skyguide of new air traffic controllers ('ATCOs') to replace the ATCOs expected to retire during RP4 and to accommodate the forecasted traffic growth. This is planned to result over RP4 into an overall increase of approximately 10 % of the number of ATCOs in operations at the area control centres ('ACCs') of Geneva and Zurich;
- (b) investments in infrastructure and systems to support the resilience of operations, including additional contingency and fall-back solutions;
- (c) technical enhancements of the air traffic management system enabling increased capacity and efficiency. These enhancements will support the location-independent operations at the ACCs of Geneva and Zurich, which means that the whole Swiss airspace can be controlled from either one of these ACCs;
- (d) deployment of tools for the optimisation of air traffic flow management.

(16) Having regard to the evaluation made by the PRB, the additional costs reported by Switzerland for the capacity measures referred to in recital (15) are significantly lower in monetary terms than the observed deviations from the Union-wide cost-efficiency trends calculated by the PRB. Furthermore, the Commission observes that certain capacity measures invoked by Switzerland could be considered to be part of the normal operations of the air navigation service provider concerned or may not directly contribute to enhancing airspace capacity. Hence, it is not possible to conclude, without further detailed information and analysis, on whether the capacity measures presented by Switzerland can be, in their entirety, deemed necessary and proportionate for the achievement of the local capacity performance targets for RP4. Therefore, the Commission notes that the observed deviations from the Union-wide cost-efficiency trends referred to in recitals (11) and (12) cannot be exclusively attributed to the additional costs deriving from the presented capacity measures.

(17) Therefore, the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of Switzerland.

- (18) Furthermore, the Commission notes that Switzerland has not presented in the draft FABEC performance plan any restructuring measures which would justify a deviation from the Union-wide DUC trend or from the Union-wide long-term DUC trend pursuant to the criterion set out in point 1.4(d)(ii) of Annex IV to Implementing Regulation (EU) 2019/317.
- (19) On the basis of the findings set out in recitals (10) to (18), the cost-efficiency performance targets for the *en route* charging zone of Switzerland should be considered inconsistent with the Union-wide performance targets for RP4.

Review of the measures for the achievement of environment targets

- (20) In accordance with point 2.1(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft FABEC performance plan by reviewing the measures for the achievement of the environment targets included in that plan.
- (21) On the basis of the review referred to in recital (20), the Commission has strong doubts whether the measures presented by Switzerland and the EU Member States part of FABEC for the achievement of the FABEC environment performance targets are adequate to enable those targets to be effectively reached. Having regard to the PRB's findings, the Commission observes, in particular, that the measures presented by France in respect of the air navigation service provider DSNA are insufficient to enable the targeted flight efficiency improvements in RP4.
- (22) Therefore, the Commission considers that FABEC should put in place additional measures for the achievement of its environment targets for RP4, for example through the effective implementation of free route airspace and the implementation of cross-border free route airspace with additional neighbouring Member States.

Review of the measures for the achievement of capacity targets

- (23) In accordance with point 2.1(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft FABEC performance plan by reviewing the measures for the achievement of the *en route* capacity targets included in that plan.
- (24) On the basis of the review referred to in recital (23), the Commission has strong doubts as to whether the measures presented by Switzerland and the EU Member States part of FABEC for the achievement of the FABEC *en route* capacity performance targets are adequate to enable those targets to be effectively reached. Having regard to the PRB's findings, the Commission observes, in particular, that the measures presented by Germany in respect of the air navigation service provider 'DFS' are insufficient to effectively meet the traffic demand expected in RP4.
- (25) Therefore, the Commission considers that Switzerland and the EU Member States part of FABEC should put in place additional measures for the achievement of its capacity targets for RP4, for example in respect of the training and recruitment of additional ATCOs, a more efficient use of resources, and cooperation arrangements between air navigation service providers.

Review of the capacity targets for terminal air navigation services

- (26) In accordance with point 2.1(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft FABEC performance plan by reviewing the capacity performance targets for terminal air navigation services set by Switzerland in respect of the airports referred to in Articles 1(3) and (4) of that Implementing Regulation. It was found that those targets give rise to concerns.
- (27) Firstly, the Commission notes that the proposed terminal capacity targets of Switzerland for RP4 lead to a deterioration of the average arrival ATFM delay per year compared to RP3. Indeed, the proposed RP4 targets are set at 1,60 minutes per flight, whereas the actual performance recorded in RP3 ranged from 0,37 to 1,50 minutes per flight.

- (28) Secondly, when breaking down the terminal capacity targets at airport level, it was found that those terminal capacity targets result in a significantly worse level of ATFM delay per flight for Zurich and Geneva airports than the level of performance of similar airports identified by the PRB.
- (29) Therefore, the Commission considers that Switzerland should further justify the terminal capacity targets for RP4 in light of the observations set out in recitals (27) and (28), or should revise downwards those targets.

Review of the cost-efficiency targets for terminal air navigation services

- (30) In accordance with point 2.1(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft FABEC performance plan by reviewing the cost-efficiency performance targets for terminal air navigation services set by Switzerland in respect of the airports referred to in Articles 1(3) and (4) of that Implementing Regulation.
- (31) The Commission notes that the cost-efficiency targets for the terminal charging zone of Switzerland lead to a deteriorating DUC trend of +1,0 % over RP4. Furthermore, it was found that the average DUC for RP4 of terminal air navigation services at the airports of Zurich and Geneva is estimated to be higher, by a significant margin, than the median DUC of the similar airports identified by the PRB.
- (32) Therefore, the Commission considers that Switzerland should further justify its terminal cost-efficiency targets for RP4 in light of the observations set out in recital (31), or should revise downwards those targets.

Review of the *en route* and terminal capacity incentive schemes

- (33) In accordance with point 2.1(f) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has reviewed the incentive schemes included in the draft FABEC performance plan for the purpose of supporting the achievement of capacity targets ('capacity incentive schemes'). It was found that the capacity incentive schemes for RP4 established by Switzerland for *en route* and terminal services give rise to concerns.
- (34) The Commission notes that the *en route* capacity incentive scheme of FABEC and the terminal capacity incentive scheme of Switzerland, as established in the draft FABEC performance plan, comprise a maximum financial disadvantage amounting to merely 0,50 % of determined costs. Having regard to the expert advice provided by the PRB, the Commission considers that the maximum financial disadvantages for those incentive schemes do not comply with Article 11(3), point (a), of Implementing Regulation (EU) 2019/317, which requires such incentive schemes to have '*material impact on revenue at risk*'.
- (35) Therefore, Switzerland should, in respect of the draft FABEC performance plan, revise its capacity incentive schemes referred to in recital (34) so that the maximum financial disadvantages stemming from those incentive schemes are set at a level having a material impact on the revenue at risk, as required by Article 11(3), point (a), of Implementing Regulation (EU) 2019/317. In the Commission's view, that revision should lead to a maximum financial disadvantage equal to or higher than 1 % of the annual determined costs.

3. CONCLUSIONS

- (36) In the light of the foregoing, certain performance targets included in the draft FABEC performance plan in respect of Switzerland should not be considered consistent with the Union-wide performance targets for RP4.
- (37) Therefore, in accordance with Article 14(3), second subparagraph, of Implementing Regulation (EU) 2019/317, Switzerland and the FABEC Member States, are to submit their revised draft performance plan to the Commission within three months from the date of the adoption of this Decision, taking account of the recommendations put forward by the Commission.
- (38) The Commission has consulted Switzerland on the recommendations set out in this Decision, in accordance with Article 19(2) of the Agreement between the European Community and the Swiss Confederation on Air Transport,

HAS ADOPTED THIS DECISION:

Article 1

The performance targets in respect of Switzerland listed in the Annex to this Decision, which are included in the draft performance plan of the Functional Airspace Block Europe Central are inconsistent with the Union-wide performance targets for the fourth reference period set out in Commission Implementing Decision (EU) 2024/1688.

Article 2

Switzerland shall revise downwards the cost-efficiency targets set for its *en route* charging zone, expressed as determined unit cost (DUC).

When revising its cost-efficiency targets, Switzerland shall:

- (a) ensure that the revised cost-efficiency targets are consistent both with the Union-wide DUC trend and with the Union-wide long-term DUC trend, referred to, respectively, in point 1.4(a) and (b) of Annex IV to Implementing Regulation (EU) 2019/317;
- (b) reduce the level of determined costs accordingly, in particular in respect of calendar year 2029;
- (c) use the latest traffic forecasts, expressed in service units, in accordance with Article 10(2) of Implementing Regulation (EU) 2019/317.

If Switzerland invokes in the revised draft performance plan to be submitted in accordance with Article 14(3), second subparagraph, of Implementing Regulation (EU) 2019/317 a deviation under point 1.4(d) of Annex IV to that Implementing Regulation, it shall ensure that such a deviation is substantiated with adequate information and justifications. In particular, Switzerland shall demonstrate that any measures invoked to justify a deviation from Union-wide cost-efficiency targets relate solely to additional operational resources or technical capabilities necessary to meet the capacity targets.

Article 3

This Decision is addressed to the Swiss Confederation.

Done at Brussels, 16 May 2025.

For the Commission
Apostolos TZITZIKOSTAS
Member of the Commission

ANNEX

Performance targets found to be inconsistent with the Union-wide performance targets for the fourth reference period

KEY PERFORMANCE AREA OF COST-EFFICIENCY

<i>En route</i> charging zone of Switzerland	2019 baseline value	2024 baseline value	2025	2026	2027	2028	2029
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	CHF 110,08	CHF 124,74	CHF 131,82	CHF 133,17	CHF 131,03	CHF 128,63	CHF 129,42
	EUR 109,54	EUR 124,13	EUR 131,17	EUR 132,51	EUR 130,39	EUR 128,00	EUR 128,79