

**COURTESY TRANSLATION**

January 25, 2017

JORF n°0021 of January 25, 2017

Text n°3

**Decree n° 2017-60 of January 23, 2017 instituting a fee for service of coordination and schedule facilitation of airports**

NOR: DEVA1613092D

ELI:<https://www.legifrance.gouv.fr/eli/decret/2017/1/23/DEVA1613092D/jo/texte>  
Alias: <https://www.legifrance.gouv.fr/eli/decret/2017/1/23/2017-60/jo/texte>

Public concerned: air carriers, airport managing.

Object: The Decree instituting the financing by fee for service of coordination and schedule facilitation of French airports.

Coming into force: the text comes into force on the day after its publication in the Official Journal of the French Republic.

Precautions: The operation of association for the coordination of schedules (COHOR), designated by the Minister in charge of Civil Aviation to ensure the services of coordination and schedule facilitation of French airports, is ensured by the membership fees due from its members, which are the coordinated airport managing and ten of the principal French air carriers. The service of coordination and schedule facilitation benefit from the totality of air carriers serving the airports concerned and their financing by fee, in compliance with the European Union Law, is a developing trend with inside the European Union. In this context, the modernization of the financing of coordination and schedule facilitation activities of the French airports is essential so that it is not based anymore on some air carriers volunteering. The aim of this decree is to establish a system of fee for services.

References: the Decree supplements the provisions of the Civil Aviation code taken for the application of modified Regulation (EEC) n° 95/93 of the Council of 18 January 1993 on common rules for the allocation of slots at community airports. The texts modified by the Decree are available, in their draft form resulting from this modification, on Légifrance website (<http://www.legifrance.gouv.fr>).

Le Prime Minister,

On the report of the Minister of Environment, Energy and Sea, responsible for the international relations on the climate, and with the Minister of Economy and Finances,

Having regards to modified Regulation (EEC) n° 95/93 of the Council of 18 January 1993 on common rules for the allocation of slots at community airports;

Having regards on Civil Aviation Code, especially article R. 221-12;

The Council of State (public works section) having been informed,

Decree:

## **Article 1**

The following articles R.221.13 to R.221-15 are added to the section 3 of the chapter 1 of the title II of the book II of the Civil Aviation Code:

« Art. R. 221-13.-I.-The missions ensured by the facilitator of schedules or the coordinator, in compliance with the applicable specifications and to the regulation referred to in Article R. 221-12, for airports classified as schedule facilitation or coordinated give rise to the payment of a fee for services.

« II.-The fee is paid, for each landing, in equal parts by the airport operator and the aircraft operator concerned. The share falling to the aircraft operator is collected by the airport operator on behalf of the schedule facilitator or the coordinator.

« III.- The schedule facilitator or coordinator of each concerned airport establishes a rate proposal for the fee, which takes account of the evolution expectations of the operating costs and capital and product of the schedules facilitator or coordinator, of investments needed to realize the missions entrusted to him and the evolution expectations of the traffic on the concerned airport.

« The coordination committee provided for in Article 5 of the regulation mentioned in Article R. 221-12 is consulted on the proposal for a rate.

« In event of favorable opinion of the committee, the Minister in charge of the Civil Aviation approves the rate, after ensuring that the consultation procedure of the committee was observed and that the rate complies with the general rules applicable to the fee for service. The rate is deemed to be approved at the end of the period laid down by the order mentioned in Article R.221-15.

« In event of unfavorable or no opinion of the committee, the schedule facilitator or coordinator of the concerned airport addresses to the minister in charge of the Civil Aviation a new rate, which the opinion of the committee is not collected. The fare is fixed by the Minister.

« Art. R. 221-14.-By way of derogation from Article R. 221-13, for airports classified as schedule facilitation or coordinated in the situations referred to in paragraph 6 of Article 3 of the mentioned regulation in Article R. 221-12, the schedule facilitator or coordinator of the concerned airport proposes a global amount of the fee for services referred to in Article R. 221-13, by taking into account, for the concerned situation, of the evolution expectations of the operating costs, capital and product as well as investments needed to realize the missions entrusted to him. This amount is fixed by the Minister in charge of the Civil Aviation, which ensures that he complies with the general rules applicable to fees for services.

« The fee is paid par the airport operator and, for each landing, by the airline operators

using the airport during the concerned period. The share falling to the airline operators is collected by the airport operator on behalf of the schedule facilitator or coordinator.

« Le rate, for each landing, of the share of the fee falling to the airline operators is fixed on a flat-rate basis for all situations mentioned in the first subparagraph, in accordance with the procedure referred to III of Article R. 221-13.

« Art. R. 221-15.- The application of Articles R. 221-13 et R. 221-14 are laid down by Order of the Minister in charge of the Civil Aviation, especially:

«-Rate setting process and publication of the rate of the fee;

«-Information that coordinator or schedule facilitator is required to communicate to the Minister in charge of the Civil Aviation;

«-the mode of repayment to the schedule facilitator or coordinator of the share of the fee falling to the airline operators collected by the airport operator»

## **Article 2**

Articles R. 221-12 à R. 221-15 of the Civil Aviation code are not applicable to Saint-Barthélemy and Saint-Pierre-et-Miquelon.

## **Article 3**

The Minister of Environment, Energy, and Sea, responsible of the international relations on the climate, the Minister of Economy and Finances, Secretary of State for Transport, Sea and Fishing and the Secretary of State for the Budget and Public Accounts are responsible, each as regards the matters that concern it, of the implementation of the present Decree, which shall be published in the Official Journal of the French Republic.

Done, le 23<sup>rd</sup> of January 2017.

Bernard Cazeneuve  
By the Prime Minister:

The Minister of Environment, Energy, and Sea, responsible of the international relations on the climate,  
Ségolène Royal

The Minister of Economy and Finances  
Michel Sapin

Secretary of State for Transport, Sea and Fishing  
Alain Vidalies

The Secretary of State for the Budget and Public Accounts,  
Christian Eckert

