

Text n°5

Ministerial Order of February 22, 2017 amending the modified Decree of September 28, 2004 creating the Coordination Committee of French airports

NOR: DEVA1701990A

The Minister of environment, energy and the sea, in charge of international Relations on climate,

Having regard to Regulation (EEC) n° 95/93 of the Council of January 18, 1993 on common rules for allocation of slots at community airports, amended by the Regulation (EC) n° 793/2004 of the European Parliament and of Council of April 21, 2004, in particular its Article 5;

Having regard to Civil Aviation Code, in particular its Articles R. 221-12 and following;

Having regard to the Code of relationship between the public and its administration, in particular Chapter III of its Title III;

Having regard to Order n° 2015-622 of June 5, 2015 regarding some administrative commissions in an advisory nature under the responsibility of the Ministry of Ecology, sustainable development and Energy;

Having regard to the amended Order of September 28, 2004 creating the Coordination Committee of French Airports,

Order:

Article 1

Article 1 of the Order of September 28, the words: « French coordinated airports» are replaced by the words: « airports qualified as schedules facilitation airports or coordinated airports».

Article 2

The provisions of Article 2 of the Order of September 28, 2004 are replaced by the following provisions:

« Art. 2.-The Coordination Committee of French Airports shall be open to participation of the following members:

-Any air carriers that have made a landing and/or a take-off on an airport qualified as

schedules facilitation airport or coordinated airport during one of the two completed aeronautical seasons preceding the meeting of the Coordination Committee;

-Under the organizations representing these carriers, any group or association of air carriers using on a regular basis the airports qualified as schedules facilitation airports or coordinated airports having transmitted its statutes and the list of its members to the Director-General for Civil Aviation at last seven working days before the meeting of the committee;

-Under the representatives of the General Aviation, any group and association of air carriers using on a regular basis the airports qualified as schedules facilitation airports or coordinated airports having transmitted its statutes and the list of its members to the Director-General for Civil Aviation at last seven working days before the meeting of the committee;

-the airport managers qualified as schedules facilitation airports or coordinated airports as well as all group and association representing these managers ;

-Air navigation Service Providers concerned.

The Director-General for Civil Aviation or its representative, each coordinator appointed for one airport qualified as coordinated airports and the schedules facilitator appointed for one airport qualified as schedules facilitation sit it as observers.

The Committee is headed by the Director-General for Civil Aviation and its representative.
»

Article 3

I- Article 3 of the Order of September 28, 2004 above-mentioned:

-the words: « coordinated airports » are replaced by the words: « airports qualified as schedules facilitation airports or coordinated airports»;

-the first subparagraph of a is replaced by: « make suggestions or offer advice to the Director-General for Civil Aviation or schedules facilitator or coordinator designated on each airport qualified as schedules facilitation airport or coordinated airports ,on» ;

-the second subparagraph of a is replaced by: «-the possibilities for improving the usage or increasing the capacity of airports qualified as schedules facilitation airports or coordinated airports»;

-at the third subparagraph of a, the words: « schedules facilitation and of » are inserted before the word « coordination »;

-at the fourth subparagraph of a, the words: « the monitoring of the programs of air carriers according to the carried out schedules recommendations and » are inserted after the word: « method »;

-at the fifth subparagraph of a, the words: « schedules facilitation, » are inserted after the word: « matter»;

-at *b*, the word: « the carried out schedules recommendations or » are inserted after the word: « concerning »;

II- Article 3 shall be supplemented by the following paragraph:

« c) Give advisory opinion, in a plenary meeting, on tariff of the fee related to services rendered by the coordinated or schedules facilitator on concerned airports. This opinion may give rise to a vote. »

Article 4

The provisions of Article 5 of Order of September 28, 2004 above-mentioned are replaced by the following provisions:

« Art. 5. For the votes of the committee carried out in accordance with the c) of Article 3 of this Order, the voting rights are established at the level of each concerned airports. For the votes concerning the other decisions, the Chair of the Committee shall decide, according to their range, if the voting rights are established at the airport level or at a national level.

Similarly, the President shall decide, according the provisions of the rules of procedure mentioned in Article 7 of this Order, if all members participate to the vote or if it will be limited to only one category of members.

The voting rights within the Coordination Committee are distributed according to the following provisions:

75 % of the voting rights are allocated to the air carriers. They are distributed between the members of the Committee in proportion to the number of landing and take-off operated on airports qualified as schedules facilitation airports or coordinated airports concerned by the vote during the two aeronautical seasons preceding the meeting of the Coordination Committee. No carrier will have more than half of this quota of voting rights allocated.

10 % of the voting rights are allocated to the airport managers qualified as schedules facilitation airports or coordinated airports concerned by the vote. They are distributed in proportion to the number of landing and take-off operated during the two aeronautical seasons preceding the meeting of the Coordination Committee. No manager will have more than half of this quota of voting rights allocated;

10 % of the voting rights are allocated to Air navigation Service Providers concerned;

5 % of the voting rights are distributed equally between the other members.

For the votes concerning the sole category of air carriers, the voting rights are distributed between the carriers members of the committee in proportion of the number of landing and take-off operated on airports qualified as schedules facilitation airports of coordinated airports concerned by the vote during the two aeronautical seasons preceding the meeting of the Coordination Committee, No carriers will have more than half of this quota of voting rights allocated.

The opinion and proposal of the committee submitted to a vote are adopted by simple majority of the allocated voting rights, without a quorum being required. »

Article 5

The sentence of the first subparagraph of Article 6 of Order of September 28, 2004 above-mentioned is replaced by the following sentences: « The Coordination Committee of French airport can create, within its and for a period of three years, an Executive Committee for an airport qualified as schedules facilitation airport or coordinated airport. An Executive Committee may cover several airports when they are serving the same city, the same conurbation or sharing a common capacity constraint. »

The first sentence of the second subparagraph of the same Article is replaced by the following sentence: « The Executive Committee exercises, by delegation of the Coordination Committee of French airports, the missions mentioned in Article 3, except for the c, for the airport(s) for which it is competent. »

Article 6

In the second subparagraph of Article 7 of Order of September 28, 2004 les terms: «the voting rules in the Plenary Assembly, » are removed.

Article 7

Article 8 of Order September 28, 2004 above-mentioned is removed.

Article 8

The Director-General for Civil Aviation shall be responsible for the implementation of third Order, which will be published in the Official Journal of the French Republic.

The 22nd of February 2017.

For the Minister and by delegation:
The Director-General for Civil Aviation,
P. Gandil