

**ANNEX I**  
**TO DECREE No. 2005-828 of 20 JULY 2005**  
**RELATING TO THE COMPANY AÉROPORTS DE PARIS**  
(published in the Official Journal of the French Republic No. 169 of 22 July 2005 page 11940)

**TERMS OF REFERENCE OF THE COMPANY AÉROPORTS DE PARIS**

**CONTENTS**

**PART 1 GENERAL SCOPE OF OPERATIONS**

- Article 1 Role of the operator and general principles of operation
- Article 2 General coordination
- Article 3 Opening to air traffic
- Article 4 Operating procedures and hours of opening
- Article 5 Contracts entrusting the execution of certain tasks of ADP to third parties

**PART 2 METHODS OF OPERATION**

**Chapter 1 Services provided to air carriers and to other aircraft operators**

- Article 6 Allocation of air carriers
- Article 7 Allocation of installations and equipment
- Article 8 Places of operation
- Article 9 Ground handling service
- Article 10 Operation of aircraft areas
- Article 11 Presentation of medium and long-term prospects

**Chapter 2 Services provided to other companies**

- Article 12 Access
- Article 13 Ground handling service companies
- Article 14 Freight and mail companies
- Article 15 Operators of public transport

**Chapter 3 Services provided to passengers and the public**

- Article 16 Access to and movement on the aerodromes
- Article 17 Reception of certain categories of passengers
- Article 18 Health services
- Article 19 Information for passengers and the public
- Article 20 Passenger surveys
- Article 21 Associated services
- Article 22 Significant delays

**Chapter 4 Involvement in administrative police roles**

- Article 23 Information for State departments on disruption to operations
- Article 24 Authorisations for activities within airport boundaries
- Article 25 Special provisions relating to security
- Article 26 Application and monitoring of environmental regulations
- Article 27 Application of the regulations on ground handling
- Article 28 Control of the application of the regulations on time slots
- Article 29 Control of the application of restrictions on operation
- Article 30 Application of the regulations on servitudes
- Article 31 Policing of aerodrome operation

- Article 32 General security
- Article 33 Application of health regulations

#### **Chapter 5 Conditions for the State and its public utilities to carry out their roles**

- Article 34 Access easements
- Article 35 Access to airport installations
- Article 36 Air traffic control service provider
- Article 37 Services of the minister responsible for equipment and transport
- Article 38 Météo-France
- Article 39 Customs
- Article 40 Border police
- Article 41 Foreign affairs
- Article 42 Other State administrations
- Article 43 Conditions for the occupation of premises and parking spaces
- Article 44 Emergency plans

#### **Chapter 6 Service quality**

- Article 45 Quality control and improvement
- Article 46 Measuring quality
- Article 47 Complaints and comments from users

#### **PART 3 INTEGRATION INTO THE ENVIRONMENT**

- Article 48 Environmental certification
- Article 49 Information for the public on environmental impacts
- Article 50 Relations with local residents
- Article 51 Relations with the local communities
- Article 52 Shared information from ADP and the air carriers

#### **PART 4 PROVISIONS RELATING TO LAND AND INFRASTRUCTURES**

- Article 53 Transfers, property purchases and creation of securities on works or land
- Article 54 Occupation of property
- Article 55 Facilities not associated with the public airport service
- Article 56 Capacity of the airport infrastructures
- Article 57 Declarations of compulsory purchases for public purposes
- Article 58 Provisions applicable to works

#### **PART 5 FINANCIAL PROVISIONS**

- Article 59 Cost accounting
- Article 60 Separate accounting of ground handling activities
- Article 61 Use of allocated fiscal resources

#### **PART 6 INFORMATION TO BE SUPPLIED AND PROCEDURES FOR CHECKING OF ADMINISTRATION**

- Article 62 Information to be supplied
- Article 63 Procedures for checking administration

#### **PART 7 PROTECTIVE MEASURES AND ADMINISTRATIVE SANCTIONS**

- Article 64 Protective measures
- Article 65 Administrative sanctions

#### **PART 8 MISCELLANEOUS PROVISIONS**

- Article 66 Freedom of information

## **PART 1 GENERAL SCOPE OF OPERATIONS**

### Article 1

#### Role of the operator and general principles of operation

Aéroports de Paris, hereinafter referred to as ADP, will run the aerodromes referred to in the first paragraph of Article L. 251-2 of the civil aviation code in accordance with the conditions stipulated in the present terms of reference and in accordance with the provisions of common law that relate to any aerodrome operator, in addition to the special conditions that are applicable to the company. In all circumstances, it respects and will ensure the respect of the obligations that have been set out for it in the present terms of reference, whatever the methods used to carry out the tasks in question.

ADP provides an airport service that meets the needs of the air carriers, other aircraft operators, administrations and companies whose involvement is necessary for air transport activities, passengers and the public. It will make sure that the conditions for implementing the principle of continuity of this service are met, where necessary by working with State departments. It sees to it that its co-contractors apply the same principle.

It develops and equips the aerodromes in such a manner as to comply with the requirements of air transport and its current and future needs.

As an operator of aerodromes, with regard to airport safety and security ADP is bound by the obligations laid down in the civil aviation code.

Subject to the provisions of Article 5 of the present terms of reference, ADP may not delegate its role as operator.

Decisions taken by ADP respect the principles of transparency and equality in its treatment of users.

### Article 2

#### General coordination

Without prejudice to the jurisdiction of the State departments and, in particular, to that of the holders of police powers referred to in Article L. 213-2 of the civil aviation code, ADP, on every aerodrome that it operates, co-ordinates the actions of the various operatives, whatever their nature, in such a manner as to guarantee the effective functioning of the airport service. In particular, it arranges their consultation and their reciprocal information.

It provides the State departments, subject to adequate prior notice, with information that is useful to them concerning arrival and departure flights, in particular their origin or destination, their planned and forecast schedules, the traffic zones and terminal buildings to which they are allocated, the type of aircraft, the number of passengers and the freight tonnage loaded and unloaded.

To this end, the air carriers are obliged to provide ADP with the information that they hold.

ADP brings to the attention of users and the public the hours during which each of the aerodromes that it operates is officially manned. This official manning is carried out by an agent qualified to represent ADP. At the aerodromes of Paris - Charles-de-Gaulle, Paris-Orly and Paris-Le Bourget, this corresponds to the opening hours of the platforms. At the other aerodromes, it is not less than six hours per week, divided over at least two days. Furthermore, at each of the aerodromes, ADP puts in place the necessary facilities for users and the public to have the means to immediately contact a qualified agent outside of duty hours.

### Article 3 Opening to air traffic

The aerodromes operated by ADP are open to public air traffic in accordance with Article R. 221-1 of the civil aviation code.

### Article 4 Operating procedures and hours of opening

Subject to the powers devolved to the State authorities by the civil aviation code, ADP draws up the operating procedures and the hours of opening of the aerodromes, which must however not lead to preventing or restricting access to the aerodromes for certain categories of users.

These operating procedures specify in particular the conditions for use of the various zones and aeronautical installations and terminals of the aerodromes. They form an obligation on the various operatives to inform ADP of any failure of the equipment or services that is likely to have an impact on the airport service for which they are responsible.

Except in cases of emergency, the procedures as well as any changes to them are sent for comment to the State departments designated by the minister responsible for civil aviation before being applied. The aeronautical users affected are informed concomitantly. Comments from the State departments are given within a time period of one month from this notification.

The hours of opening only concern ADP establishments and do not prejudice those of the public body Météo-France and the State departments operating on the aerodromes.

The operating procedures and the hours of opening are communicated to the minister responsible for civil aviation and are brought to the attention of users and the public by any appropriate means.

### Article 5 Contracts entrusting the execution of certain tasks of ADP to third parties

The provisions of the present Article apply to contracts through which ADP entrusts to a third party the execution of a service referred to in the first paragraph of Article R. 224-1 of the civil aviation code and which anticipate that, for this, this third party receives remuneration directly from the users of the service.

Such contracts that relate to the development, operation or improvement of the following structure and installations:

- runways, aprons, parking areas intended for aircraft and runway lighting;
- passenger terminal buildings for the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, not including associated installations and services that are not directly necessary for the public airport service;
- infrastructures for which ADP is responsible in accordance with Article R. 216-6 of the civil aviation code,

are authorised by decree.

Other contracts are freely signed by ADP, whilst respecting the provisions of common law, and are subject to the specific provisions of the present terms of reference. They are communicated by ADP to the minister responsible for civil aviation at his request.

## **PART 2 METHODS OF OPERATION**

### **Chapter 1 Services provided to air carriers and to other aircraft operators**

#### **Article 6 Allocation of air carriers**

I. - ADP carries out the allocation of air carriers between the aerodromes that it operates, in accordance with the rules for the distribution of air traffic within the Paris airport system adopted by the minister responsible for civil aviation in application of Article R. 221-3 of the civil aviation code and taking into account the capacities available with regard, in particular, to the Community, national, regional and local operating regulations issued with regard to security, safety, environmental protection and the distribution of time slots.

II. – Apart from decisions concerning Community air carriers operating intra-Community routes, decisions on the distribution of air carriers between the various aerodromes are subject to the confirmatory opinion of the minister responsible for civil aviation. The minister communicates his opinion within a timescale of fifteen days with effect from the notification by ADP of the draft decisions.

III. – The decisions by which ADP carries out the allocation of air carriers between the terminal buildings at the same aerodrome are taken in accordance with the principles previously established by the company with the confirmatory opinion of the minister responsible for civil aviation, and brought to the attention of the users. These principles also specify the rules for notifying air carriers other than that which is the subject of the allocation decision and likely to be affected by this decision, as well as the conditions that apply to the changing of the allocation of an air carrier within the one and the same aerodrome.

The opinion of the minister responsible for civil aviation is communicated within a timescale of two months with effect from the notification by ADP of the proposed principles.

IV. – ADP deals with any request for allocation from an air carrier within the shortest possible timescale. It informs the minister responsible for civil aviation of the decisions taken.

V. - ADP cannot on its own initiative carry out any change of allocation of an air carrier between aerodromes or terminal buildings without receiving the prior opinion of this air carrier and, in the case of a change of aerodrome, the confirmatory opinion of the minister responsible for civil aviation. The air carrier and, in the case of a change of aerodrome, the minister responsible for civil aviation communicate their respective opinions within a timescale of one month with effect from the notification by ADP of the planned change in allocation. This timescale can be reduced in the case of urgency, on the basis of a decision by the minister responsible for civil aviation.

#### **Article 7 Allocation of installations and equipment**

I. – Subject to the priorities that would be stipulated by the operating procedures or, in urgent cases, to special requests from the State departments, ADP makes aerodrome installations and equipment available to users following the order in which requests are submitted by the latter.

ADP may, however, apply different rules for allocation for reasons of general interest aimed, in particular, at limiting damage to the environment or improving the utilisation of the infrastructures. These rules are brought to the attention of the minister responsible for civil

aviation and of the aeronautical users.

II. - If ADP delegates the management of installations or equipment to a third party, the contract stipulates the methods by which the delegatee accounts for their utilisation.

III. – The allocation of necessary installations and equipment is a lawful right for air carriers that benefit from an allocation in application of Article 6 of the present terms of reference and have obtained time slots in application of Council Regulation (EEC) No. 95/93 of 18 January 1993 as amended, setting out the common rules with regard to the allocation of time slots at airports within the Community.

#### Article 8 Places of operation

ADP makes available to the air carriers, within reasonable timescales, the areas and facilities directly needed for their activities including, where relevant, their own ground handling and aircraft maintenance. ADP can, if necessary, meet this obligation by making suitable land available for the construction of such facilities.

Depending on the areas available, ADP meets these requests as a priority over those of other companies.

Annually, ADP draws up a summary statement of the outstanding requests from air carriers and the steps taken to meet them. This statement is incorporated into the report referred to in sub-section a) of Article 62 of the present terms of reference.

#### Article 9 Ground handling service

On the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, ADP carries out and, where necessary, operates or makes available the shared infrastructures for the ground handling service referred to in Articles R. 216-6 and D. 216-4 of the civil aviation code, without prejudice to the provisions of the said articles. These infrastructures and their operation are appropriate to the needs of the air carriers and their ground handling service providers.

On the aerodromes referred to in the first paragraph of Article L. 251-2 of the civil aviation code other than those of Paris - Charles-de-Gaulle and Paris-Orly, ADP makes all of the necessary arrangements so that the air carriers and other aircraft operators can have access to the ground handling services that they require.

#### Article 10 Operation of aircraft areas

a) General provisions:

ADP is responsible for the integrity of the movement areas on the aerodromes that it operates and, to this end, carries out the necessary technical inspections.

In particular and where relevant, ADP equips itself with all of the necessary resources for the clearance of snow from the movement areas on the aerodromes of Paris - Charles-de-Gaulle, Paris-Orly and Paris-Le Bourget, as well as those aimed at preventing ice formation on these same areas.

Without delay, ADP keeps the air traffic control service provider informed of any event that alters or makes unavailable all or part of the movement areas, the runway lighting, the

rescue and aircraft fire-fighting service or the department for the prevention of bird strike hazards.

In the event of works being carried out on the movement areas and without prejudice to the provisions of Article 58 of the present terms of reference, ADP organises the work sites in such a way as to minimise any possible disruption to the movement of aircraft and vehicles on the ground and liaises with the air traffic control service provider to implement safety procedures.

b) Aprons:

ADP is responsible for the maintenance and improvement of the aprons. As part of this, ADP carries out inspections of these areas.

When an adjustment in aircraft movements on the aprons is implemented, a memorandum of agreement between ADP and the air traffic control service provider describes the scope and the practical methods for execution of this adjustment. When such an adjustment is not carried out by the air traffic control service provider, it is the responsibility of ADP or a third party appointed by it, the latter being obliged to conclude a memorandum of agreement with the air traffic control service provider specifying the scope and the practical methods for the execution of this adjustment.

When no adjustment in the movement of aircraft on the aprons is implemented, ADP defines, on the confirmatory advice of the air traffic control service provider, the procedures that enable the latter to supply flight information and warning services to the aircraft that are manoeuvring on these aprons.

ADP marks out the division between the aprons and the manoeuvring areas of each aerodrome.

On the aerodromes of Paris - Charles-de-Gaulle, Paris-Orly and Paris-Le Bourget, ADP allocates the stands and zones for storing handling equipment. When the aprons are operated mainly or exclusively by a third party, ADP can entrust all or part of this task to this third party, under its control and by means of a contract.

c) Manoeuvring areas:

ADP is responsible for the maintenance and improvement of the manoeuvring areas.

ADP ensures the availability, the maintenance and supply of normal and emergency power for the following equipment:

- runway lighting;
- indication, instruction and prohibition signage panels on the movement areas;
- visual indicators of descent gradient;
- stop barriers.

ADP carries out the measurements for adhesion control and slippage rate in accordance with the frequency stipulated in the regulations, as well as at the request of the air traffic control service provider, and under the technical conditions stipulated in these same regulations. The results of these measurements are sent to the air traffic control service provider, in accordance with the methods stipulated in a memorandum of agreement between ADP and this service provider, which, if necessary, informs the crews through the appropriate channels.

ADP monitors the condition of the runway and its surroundings and inspects the manoeuvring area in accordance with the frequency stipulated in the regulations, as well as at the request of the air traffic control service provider, and under the technical conditions stipulated in these same regulations. On the aerodromes of Paris - Charles-de-Gaulle, Paris-Orly and Paris-Le Bourget, during a transitional period the length of which cannot be greater than one year with effect from the date on which the present terms of reference come into force, ADP receives assistance from agents of the air traffic control service provider to complete these tasks. A memorandum of agreement specifies, for each stage of this transitional period, the practical methods for this assistance and the division of the tasks between ADP agents and the agents of the air traffic control service provider during the carrying out of these inspections.

ADP informs the air traffic control service provider of the results of these inspections without delay.

On the other aerodromes operated by ADP, the conditions for carrying out these inspections may form the subject of a memorandum of agreement between ADP and the air traffic control service provider.

On the aerodromes that are the subject of Sigmets (meteorological reports) from Météo-France, ADP provides the latter with information that it has on the condition of the runways.

ADP publishes the safety regulations relating to third party access to the manoeuvring areas, with the confirmatory opinion of the air traffic control service provider.

#### Article 11

##### Presentation of medium and long-term forecasts

At least once per year, ADP provides the air carriers present on its aerodromes with an analysis of its forecasts for operation in the medium and long term, in particular:

- the present climate and situation for the aerodromes being operated;
- the assumptions made for traffic growth;
- the general development objectives;
- a list of the planned major investments and the timetable for carrying these out;
- the situation with regard to service quality and the objectives set;
- the conditions for the balance between the capacities of the airport installations and the predicted traffic.

At the same time, the corresponding documents are sent to the minister responsible for civil aviation.

## **Chapter 2**

### **Services provided to other companies**

#### Article 12 Access

ADP provides access to the airport installations for the companies referred to in Articles 13, 14 and 15, as well as for other companies whose presence is necessary for air transport activities.

#### Article 13 Ground handling service companies

Under the conditions stipulated in Article D. 216-2 of the civil aviation code:

ADP provides the ground handling service companies with the facilities necessary for these activities;

ADP provides these companies with equipped areas that have a surface area adequate for the storage of their equipment; these areas are, unless this is not possible for technical reasons, located close to those where the services are provided; in the event of constraints linked to the capacity of these areas, ADP ensures a fair distribution between the various service providers.

ADP meets related requests under the same conditions and with the same priority as those referred to in Article 8 of the present terms of reference.

Annually, ADP draws up a summary statement of the outstanding requests from ground handling service companies and the steps taken to meet them. This statement is incorporated into the report referred to in sub-section a) of Article 62 of the present terms of reference.

#### Article 14 Freight and mail companies

ADP provides companies involved in air freight and mail transport services with the areas and, if necessary, the premises and installations directly needed for these activities.

#### Article 15 Operators of public transport

The access to the aerodromes referred to in the first paragraph of Article L. 251-2 of the civil aviation code for operators of public transport is free.

ADP makes available to these operators the facilities directly necessary for their activities. ADP maintains and operates the drop-off and pick-up areas for the users of public transport. As far as possible, these areas are located in immediate proximity to the installations that they serve. ADP maintains and operates the waiting areas for public transport vehicles.

For the provision of these areas, facilities and premises, the companies concerned cannot be invoiced for fees that would exceed the costs incurred by ADP. Annually, ADP draws up a summary statement of the outstanding requests from public transport operators and the steps taken to meet them. This statement is incorporated into the report referred to in sub-section a) of Article 62 of the present terms of reference.

## **Chapter 3**

### **Services provided to passengers and the public**

#### Article 16 Access to and movement on the aerodromes

On each aerodrome, ADP ensures that passengers, including those on connecting flights, and members of the public, are easily able to access the installations that are open to them, in particular the terminal buildings, and to move between them with ease. In particular, ADP:

- maintains and operates the access roads for private vehicles as well as the passenger quick drop-off areas close to the terminal buildings; the use of these roads is free; the use of these areas can only be chargeable if the time needed for the quick drop-off is exceeded;
- maintains and operates the parking spaces intended for private vehicles;
- facilitates, in particular under the conditions stipulated in Article 15 of the present terms of reference, the service of its airport installations by public transport: bus, taxis and rail transport;
- on the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, in collaboration with the transport management authority and without prejudice to the jurisdiction of the latter, organises and, if necessary, operates appropriate transport services linking, in particular, the nearest access points to public transport, the various terminal buildings and the car parks; these services are also appropriate to meet the needs of the personnel from businesses and organisations carrying out activities on the aerodromes;
- inside the terminal buildings, ensures a smooth and easy circulation of passengers and the public and puts in place a reception facility and appropriate signage.

#### Article 17 Reception of certain categories of passengers

After consultation with the air carriers, ADP draws up specific procedures relating to the reception and care of passengers who require special assistance, in particular persons of reduced mobility and persons accompanied by young children. It follows these procedures where they apply to it and, for the other operatives, it makes the granting of authorisations for the activities referred to in Article 24 of the present terms of reference subject to the obligation to follow these procedures.

#### Article 18 Health services

On the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, ADP organises an emergency service, including medical cover, during the opening hours of these platforms.

#### Article 19 Information for passengers and the public

As soon as it becomes aware of information of importance to passengers and accompanying persons relating, in particular, to the scheduling of flights and connections, their timings and possible delays, together with the airport installations to which they are allocated, ADP broadcasts it within the terminal buildings. To this end, the air carriers or their agents provide, at any time and at the request of ADP, the required information on the operation of their flights.

ADP provides the information referred to in the preceding paragraph, together with that relating to conditions for access to the aerodromes and to methods for the parking of cars at the latter, through the telecommunications networks.

ADP informs passengers of their rights by any appropriate means.

#### Article 20 Passenger surveys

In order, especially, to improve the range of services on offer to passengers and to members of the public, ADP conducts, under conditions typical of the activity at the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, an annual survey of passengers departing from these aerodromes. This survey covers the following aspects in particular:

- destination of flight;
- origin and destination of journey;
- whether the passenger is a resident or non-resident;
- place of residence or stay of passengers within the customer catchment area of the aerodrome;
- reason for journey;
- socio-professional class.

The results of these surveys, as well as all of the data and the description of the associated methodology, are made available to the minister responsible for civil aviation.

#### Article 21 Associated services

On the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, ADP checks, through regular surveys, that the range of services on offer, particularly in relation to hotels, catering, shops, banks, exchange, car hire and public transport inside the aerodromes is appropriate to the needs of passengers and members of the public in terms of diversity, quality and availability.

The results of these surveys, as well as all of the data and the description of the associated methodology, are made available to the minister responsible for civil aviation.

Subject to the priorities referred to in Articles 8 and 13 of the present terms of reference, ADP encourages the establishment within these aerodromes of services that meet the requirements thus expressed.

#### Article 22 Significant delays

During periods of significant delay or disruption to traffic, ADP makes information that it receives from the air carriers and the air traffic control service provider with regard to expected delays available to passengers and informs the passengers about the situation as regularly as possible. To this end, the air carriers or their representatives provide information on the operation of their flights as soon as they are aware of it.

During these periods, in addition to the measures that are made the responsibility of the air carriers by Regulation (EC) No. 261/2004 of 11 February 2004 establishing the common rules on the subject of compensation and assistance for passengers in the event of boarding denial or cancellation or significant delay to a flight, ADP provides assistance to passengers within the scope of an emergency plan, which includes in particular the provision of seating and sleeping facilities, access to means of telecommunication and appropriate measures in terms of medical support and help for persons with special needs such as those accompanied by young children.

When it is obliged to intervene to make up for the failure of an air carrier to comply with the provisions of Regulation (EC) No. 261/2004, ADP requires this carrier to reimburse the costs incurred.

ADP makes the granting of the authorisations for activities referred to in Article 24 of the present terms of reference that relate to catering subject to a commitment to make these services available under these particular circumstances.

## **Chapter 4** **Involvement in administrative police roles**

### Article 23

#### Information for State departments on disruption to operations

Without delay, ADP informs the holder of police powers referred to in Article L. 213-2 of the civil aviation code and the air traffic control service provider of any serious hazard or risk of which it is aware and that is of such a nature as to hinder the continuing operation of an aerodrome. It can accompany this information with a request for an immediate suspension of air operations.

### Article 24

#### Authorisations for activities within airport boundaries

The carrying out by a company of any industrial or commercial activity or trade on airport land, other than the operation of aircraft or an air transport service, is subject to authorisation by ADP.

The carrying out of activities in the restricted zone of the aerodromes, within the meaning of Article R. 213-2 of the civil aviation code, can only be authorised if the setting up of the activity in this zone is necessary for aeronautical activities. ADP withdraws the authorisations when this condition is no longer fulfilled.

ADP makes the list of authorisations issued available to State departments, noting those whose validity relates to the restricted zones of the aerodromes. In addition, for each aerodrome this list is sent half yearly to the holder of police powers referred to in Article L. 213-2 of the civil aviation code.

### Article 25

#### Special provisions relating to security

Under the authority of the holders of police powers referred to in Article L. 213-2 of the civil aviation code, ADP sets up a department responsible for:

- receiving requests from the members of the public for the issue of passes for entry into the restricted zone or permits for vehicle access into this zone;

- accepting and checking the admissibility of the files submitted and sending them to the State departments for investigation;
- keeping up to date the computerised database of passes;
- preparing the passes, together with the permits for vehicles, and forwarding them to the State departments responsible for issuing them to the parties concerned;
- offering to companies and organisations that operate facilities for their sole use a service for the preparation of the necessary passes.

The agents responsible for this service are approved for this purpose by the holder of police powers referred to in Article L. 213-2 of the civil aviation code and are bound to professional secrecy.

ADP gives an account of any study, research, experiment or programme that it undertakes in relation to airport security to the minister responsible for civil aviation.

#### Article 26 Application and monitoring of environmental regulations

ADP ensures that noise-related measurements are carried out, in particular those prescribed by the Authority for the control of airport sound nuisance (ACNUSA), as well as those that allow the checking by the administration of restrictions agreed in accordance with Article R. 221-3 of the civil aviation code and those to allow the setting, by the administration, of the value of any representative indicator of the sound energy generated by the air activity of the aerodromes that ADP operates, on the basis of the aircraft position data obtained from the air traffic control service provider or by any other means.

ADP carries out readings in respect of atmospheric pollution and rain or purification water.

#### Article 27 Application of the regulations on ground handling

ADP is responsible for the issue of authorisations for the carrying out of ground handling activities and ground handling self-support under the conditions of Article D. 216-2 of the civil aviation code.

I. – On the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, ADP issues to any service provider who makes a request, as well as to any air carrier who wishes to carry out their own ground-handling, the authorisation to carry out the anticipated handling services, on condition that the necessary spaces are or can be made available.

Furthermore, ADP issues the authorisation subject to possession of the prefectorial approval stipulated in Article R. 216-14 of the civil aviation code and, in the event of a limitation on the number of service providers, subject to the nomination of the company by a decision from the minister responsible for civil aviation. ADP communicates to the air carriers and to other aircraft operators, at their request, the list of authorised ground handling service providers and the conditions attached to these authorisations.

In the event of a limitation on the number of air carriers authorised to carry out their own ground handling, ADP issues the authorisations stipulated in the first paragraph of the present Article in accordance with Article R. 216-3 of the civil aviation code. The validity period of these authorisations does not exceed three years.

ADP shares out the space available for ground handling services whilst taking into account the nature and volume of the services being carried out by the service providers and by the air carriers who are operating their own ground handling. The spaces necessary must be allocated to new entrants. Without prejudice to the application of 1° (g) of Article R. 216-16 of the civil aviation code, if the necessary spaces cannot be found, ADP informs the minister responsible for civil aviation and submits a limitation request to him in accordance with Article R. 216-3 or Article R. 216-5 of the same code.

II. - ADP keeps up to date an information system on the situation regarding ground handling at each of its aerodromes, including in particular for each ground handling service such as is defined in the annexe to Article R. 216-1 of the civil aviation code:

- the list of authorised ground handling companies with the conditions of these authorisations;
- the list of companies effectively carrying out a single activity, distinguishing the service providers from those companies involved only in the capacity of service sub-contractors;
- the list, drawn up annually, of the air carriers supported by each ground handling service provider.

ADP communicates these details to the minister responsible for civil aviation, at the request of the latter.

Within a timescale of one month after the end of each aeronautical season and for the purposes of the present article, the ground handling companies provide ADP with the list of air carriers that they supported during the season, specifying the services involved and, if relevant, the list of sub-contractors to which they had recourse.

ADP works with the companies concerned to define and implement the system of constant cover for ground handling services, which is decreed by the minister responsible for civil aviation.

## Article 28

### Control of the application of the regulations governing time slots

For each aeronautical season and at least eight months before it begins, ADP provides the minister responsible for civil aviation with information relating to its competence and necessary for the determination of the coordination parameters defined by the above-mentioned Regulation EEC 95/93 and the maximum values of these parameters for each of the coordinated airports and, in particular and where relevant, those relating to the traffic handling capacity in each of the terminals.

In accordance with the above-mentioned Regulation (EEC) 95/93, ADP provides the designated coordinator at the coordinated Parisian airports with the information that he needs to carry out his role and, in particular, the data relating to the allocation of carriers within the various terminal buildings and to the monitoring of usage of the allocated time slots, as well as, when it becomes aware of these, the identity of flights carried out in violation of the rules relating to the allocation and use of time slots. This information is sent within timescales compatible with the exercising of the coordinator's roles, and is also communicated to the minister responsible for civil aviation.

Article 29  
Control of the application of restrictions on operation

ADP provides the minister responsible for civil aviation with the information that is necessary to him for the identification of flights carried out in violation of the restrictions on operation that apply.

Article 30  
Application of the regulations on servitudes

Within the shortest possible timescale, ADP communicates to the State departments any information of which it becomes aware in relation to infractions of the regulations on aeronautical and radio servitudes.

Article 31  
Policing of aerodrome operation

At the request of the police departments that have jurisdiction, ADP freely provides assistance from its authorised agents to ensure that the provisions of the decree made in accordance with Article R. 213-3 of the civil aviation code and those of the highway code are respected within the boundaries of the aerodromes referred to in the first paragraph of Article L. 251-2 of the same code.

Within the framework of the legislative and regulatory provisions, ADP in particular deploys officially designated and authorised agents to report violations of the provisions concerning the stopping and parking of vehicles on the roads and in the car parks open to public traffic, in such a way as to ensure safety and ease of access. A copy of the reports is sent to the holder of police powers referred to in Article L. 213-2 of the civil aviation code. Furthermore, ADP can set up a tow-away service under the conditions stipulated in the highway code.

With a view to the application of administrative sanctions, the agents of ADP may also be authorised to report other breaches of the provisions referred to in the first paragraph and breaches of the provisions of Article R. 217-1 of the civil aviation code. These reports are sent to the holder of police powers and to the authorities referred to in Article L. 282-7 of the civil aviation code.

Article 32  
General security

On the aerodromes of Paris - Charles-de-Gaulle, Paris-Orly and Paris-Le Bourget, ADP provides lighting of the installations as far as is necessary to allow general surveillance. On these same aerodromes and to support the protection of goods and persons, it installs video-surveillance systems in areas open to the public under conditions stipulated, where necessary, by the holders of police powers.

In accordance with security regulations, the surveillance equipment installed in the baggage-handling zones and in the vicinity of terminal buildings and aircraft stands is also used to support the protection of goods and persons.

Article 33  
Application of health regulations

At the request of the minister responsible for health, in its premises and in appropriate locations, ADP places notices provided by the State containing health recommendations intended for passengers travelling to or returning from geographical areas temporarily affected by an epidemic.

In the case of a serious health threat or pandemic, ADP implements, at the request of the minister responsible for health, special health measures including, in particular, restricted reception zones, detection systems or a reinforced medical service presence.

**Chapter 5**  
**Conditions for the State and its public utilities to carry out their roles**

Article 34  
Access easements

The State and its public utilities have a right, free of charge, to sufficient access to ensure the full service of the dependent parts of their enclosed public and private domain.

Article 35  
Access to airport installations

In order for the State and its public utilities to carry out their roles, ADP guarantees access for their agents, as well as for persons acting on their behalf, to the airport installations that it operates by virtue of Article L. 251-2 of the civil aviation code.

Article 36  
Air traffic control service provider

a) General provisions:

On the aerodromes that it operates, ADP makes the land necessary for the installation of radio landing aids and radiotelephony antennae available, free of charge, to the air traffic control service provider. If necessary, it builds and maintains access roads to these installations.

ADP makes available to the air traffic control service provider the buildings, facilities, amenities and car parking spaces needed for its activities. At the request of the service provider, ADP provides associated services such as cleaning, caretaking, maintenance, servicing, climate control, water and gas and telephone equipment.

At the request of the air traffic control service provider, ADP takes care of the servicing and maintenance of the property assets that remain in the public domain in accordance with Article 2 of law no. 2005-357 of 20 April 2005 relating to airports.

Without prejudice to the provisions of Article 58 of the present terms of reference, ADP and the air traffic control service provider arrange regular meetings to discuss their respective planned works and the compatibility of these works with the constraints of airport operation and the provision of air traffic control services.

ADP and the air traffic control service provider share data that they have available to them on the state of preparation and progress of flights as well as the data needed to prepare aeronautical information in accordance with the regulatory provisions.

b) Special services for the air traffic control service provider:

In order to ensure the effective operation of the services rendered by the air traffic control service provider, ADP is obliged to provide it, on a temporary basis and for a period that will not exceed thirty years, with:

- normal and emergency electrical power supplies to the premises and equipment as well as to radio navigation and landing aids;
- heating, gases and liquids and other networked supplies that depend on ADP installations and that cannot be duplicated;
- telecommunication services, in particular to allow interconnection and the sharing of data between the systems of ADP and those of the air traffic control service provider;
- technical support in terms of information technology and office automation;
- company accommodation, located within or close to the boundaries of the aerodrome;
- provision and servicing of vehicles, fitted where relevant with the appropriate technical devices consistent with the provision of the air traffic control service;
- the organisation of training activities for personnel in accordance with the conditions stipulated by an agreement with regard in particular to the means of selecting the trainers and the validation of the contents of these training courses;
- material support and expertise to contribute towards the execution by the air traffic control service provider of the following tasks:
  - studies, technical specification, preparation, development and installation of air traffic control systems and equipment;
  - studies on the subject of the organisation of aerial circulation, the definition of procedures and evaluation of their environmental impact;
  - handling of requests for information and complaints from residents living near the aerodromes and falling within the jurisdiction of the air traffic control service provider;
  - preparation and issue of information about aeronautical activities within the Ile-de-France region;
  - administrative, technical and social management of personnel, of their technical qualifications and their professional skills;
  - financial monitoring and management control of certain investments and operational activities undertaken by the service provider on the aerodromes operated by ADP;
  - coordination between the activities of the service provider and those of ADP within the scope of airport operation;
  - project management of various air navigation-related investments determined by the air traffic control service provider and the funding of which is provided by the State to ADP according to methods stipulated by agreement.

c) All of the services specified in the present article are subject to payment, covering the costs declared by ADP, defined in the agreements for application, with the exception of those for which are expressly stipulated as being provided free of charge and subject to the provisions of Article 43 of the present terms of reference.

Article 37  
Services of the minister responsible for equipment and transport

When State departments are involved in the preparation or revision of a document on urban planning that affects the aerodromes operated by ADP, they consult the latter.

ADP is obliged to make its opinion known at the time of open public enquiries relating to the preparation or revision of urban planning documents that affect the aerodromes that it operates.

Every year, ADP provides the minister responsible for civil aviation with environmental sound contours for the aerodromes of Paris - Charles-de-Gaulle, Paris-Orly and Paris-Le Bourget, together with a detailed breakdown of the population and the housing included in each of the zones defined by these contours.

ADP lends its technical support to the preparation and revision of the noise exposure and sound management plans for the platforms that it operates, as well as to studies into environmental impact carried out by the administration in accordance with Articles R. 227-7 onwards of the civil aviation code. To this end, ADP communicates to the State departments, at their request, any useful qualitative and quantitative data that it alone holds.

ADP lends its technical support to the establishment of aeronautical and radio servitudes.

ADP bears the costs that might be incurred as a result of establishing servitudes introduced inside the aerodromes for the purposes of air traffic control.

Article 38  
Météo-France

a) General provisions:

ADP makes available to Météo-France the sites, buildings, facilities, amenities and car parking spaces needed in order for it to carry out its activities in relation to the operation of the aerodromes referred to in the first paragraph of Article L. 251-2 of the civil aviation code. Météo-France is free to install the facilities and equipment necessary to carry out these tasks, following consultation with ADP.

b) Special provisions:

ADP keeps Météo-France informed of any measure taken on an aerodrome that might affect the reliability of meteorological observations and, if required, makes all of the necessary provisions to ensure that the norms and recommendations of Annex 3 of the agreement relating to international civil aviation, as well as the undertakings contracted by Météo-France with respect to the State, are met.

ADP makes sites available to Météo-France, free of charge, for the installation of equipment to measure meteorological parameters, such as is defined in the above-mentioned Annex 3, needed for take-off and landing operations.

At the request of Météo-France, ADP provides:

- normal and emergency electrical power supplies for its observation equipment and used in relation to operation of the aerodromes;
- connection to the internal telecommunications networks of the aerodromes and allowing interconnection with the systems of ADP and those of the air traffic control service provider.

c) With the exception of those that are expressly provided free of charge and subject to the provisions of Article 43 of the present terms of reference, all of the services referred to in the present article are subject to payment, covering the costs declared by ADP, defined in the agreements for application .

#### Article 39 Customs

In consultation with the Customs sections operating on the aerodromes and under the conditions stipulated in Article 43 of the present terms of reference, ADP makes available to them the sites, facilities, amenities and car parking spaces needed in order for them to carry out their tasks and for the purposes of management and control of the sections.

The services provided are strictly limited to the roles assigned to these sections and on these sites in relation to:

- customs control of travellers and their baggage;
- customs control of goods and clearance of air freight;
- airport and air security;
- crisis management in the fields of health and the application of measures related to territorial security (Vigipirate plan) as well as, in particular, the use of customs procedures and powers in the application of regulations that fall within the remit of other ministerial departments.

When they concern the customs activity, the various facilities and signage elements needed to control the flow of passengers and those meeting them form the subject of prior consultation with the customs sections before being put in place.

#### Article 40 Border police

In consultation with the border police sections operating on the aerodromes and under the conditions stipulated in Article 43 of the present terms of reference, ADP makes available to them the sites, facilities, amenities and car parking spaces needed in order for them to carry out their tasks and for the purposes of management and control of the sections.

The services provided are strictly limited to the roles assigned to these sections and on these sites in relation to:

- the exercise of general police measures, the maintenance of public order and road safety;
- the exercise of border control in the battle against illegal immigration;
- the checking of airport security measures;
- prevention of crime and the battle against delinquency;
- crisis management and the implementation of various risk prevention plans, in particular Vigipirate;
- the reception and protection of VIPs;

- assistance and aid to persons.

The installation and completion by ADP of the various facilities and signage elements needed to control the flow of passengers and those meeting them form the subject of prior consultation with the border police sections.

When new infrastructures are built, the departments of the minister of the interior are consulted on the location and design of facilities included in these infrastructures and dedicated to duties that the border police carry out.

#### Article 41 Foreign affairs

At the request of the minister for foreign affairs and on the basis of a list drawn up by the minister, ADP makes suitable areas for receiving VIPs available and, where necessary, provides associated services. The corresponding costs are paid for by the State.

#### Article 42 Other State administrations

Under the conditions stipulated in Article 43 below, ADP makes available to other State departments the sites, buildings, facilities, amenities and parking spaces needed for them to fulfil their roles.

#### Article 43 Conditions for the occupation of premises and parking spaces

I. - ADP makes available to State departments and public state establishments, free of charge, any land belonging to it that contains a building allocated to the State in accordance with Article 2 of the law no. 2005-357 of 20 April 2005 relating to airports. This land includes the footprint of the building and, where relevant, private parking spaces located nearby.

II. – When the provision is not free of charge, the sums for the lease of the land, buildings, facilities and parking spaces belonging to ADP and occupied by departments of the State and those of Météo-France for the purposes of airport operation are fixed on the basis of multi-year agreements between these departments or public establishments and ADP.

Without prejudice to agreements existing on the date on which the present terms of reference come into force and subject to conflicting provisions of the latter, these agreements define the applicable rent, taking into account the tariffs applied previously and the costs borne by ADP. These are calculated for each site, building, facility and parking space.

Prior to the conclusion of these agreements, these costs are subject to an expert valuation by an independent body chosen jointly by ADP and the State departments. A report is drawn up on the basis of this expert valuation and sent to these departments.

At the request of the State departments and those of Météo-France, ADP provides the relevant services for the locations and dependent premises, such as cleaning, caretaking, maintenance, servicing, climate control, water and gas and telephone equipment. These services are subject to remuneration to cover the costs incurred by ADP and defined in the agreements for application.

Article 44  
Emergency plans

In the event of an emergency and at the request of the State departments, ADP immediately makes available to them the necessary airport installations and services, even outside normal opening hours, and takes all suitable measures to meet requests for information from the public.

**Chapter 6**  
**Service quality**

Article 45  
Quality control and improvement

For the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, ADP defines a programme, updated each year, for the control and improvement of the quality of the various services relating to its operation and in which it includes its suppliers, its sub-contractors and the companies with activities on these aerodromes, to encourage the improvement of the overall quality of the services rendered to passengers, to members of the public and to the air carriers.

Every year, the quality improvement programme is set out in the report referred to in sub-section a) of Article 62 of the present terms of reference. In particular, this includes details of the results of relevant audits carried out by ADP.

The details of the programme, as well as the results of the audits, are made available to the minister responsible for civil aviation.

Article 46  
Measuring quality

I. – For the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly and, where relevant, within the scope of the multi-year contracts referred to in sub-section II of Article L. 224-2 of the civil aviation code, ADP commits itself to the quality objectives for the services rendered to passengers, to members of the public and to the air carriers.

For these aerodromes, ADP implements and operates a system of information relating to the quality of the services provided. This system consists of indicators to measure the reliability and availability of the airport installations and services that ADP makes available to passengers, to members of the public and to the air carriers, as well as to measure user satisfaction.

In particular, these indicators are used to measure:

- the operational availability of the equipment provided to the air carriers for services rendered to passengers and aircraft, in particular check-in desks, systems for broadcasting useful information to passengers, baggage conveyors and telescopic gangways;
- the proportion of aircraft handled in contact with the terminal buildings;
- the flow rate for handling passengers, in particular the duration of time for passing through and queuing at the various passenger controls and the baggage delivery time, as well as the availability of lifts, moving walkways and escalators and the transport systems between terminal buildings;

- the satisfaction of passengers and members of the public, by means of regular surveys at least once per year;
- complaints from passengers and other users and the average time taken to respond to these complaints.

The information system applies equally to the services provided by the companies to which ADP has entrusted parts of its role. It can also apply, in a separate manner and according to need, to certain airport services or activities that do not fall within the remit of ADP.

At the request of the ministers responsible for civil aviation and the economy and in cases where significant aspects of airport service quality would not be expressed within the above-mentioned information system, ADP establishes one or more suitable indicators, within a time scale set by these same ministers, to remedy the situation.

The main outcome from this information system is presented within the report referred to in sub-section a) of Article 62 of the present terms of reference. Furthermore, the components of the information system are made available to the minister responsible for civil aviation in forms suitable for external audits.

The service quality objectives included in the multi-year contracts referred to in sub-section II of Article L. 224-2 of the civil aviation code are defined and measured on the basis of the information system specified in the present article.

II. – For aerodromes other than those referred to in sub-section I of the present article, within a timescale of two years with effect from the date on which the present terms of reference come into force and in consultation with the users involved, ADP defines indicators to reflect the quality of the services provided.

ADP informs the minister responsible for civil aviation of the definition and method of determination of these indicators at the time of their adoption. It makes the corresponding service quality measurements available to this minister.

#### Article 47 Complaints and comments from users

ADP makes it possible for users to submit complaints or comments about the services provided by ADP or the companies bound to it by contract in writing, electronically or through an agent qualified to represent it. Users are made aware of the channels thus provided.

ADP ensures that these complaints and comments are monitored and followed up. Each year, it draws up a statement that is incorporated into the report referred to in Article 62 (a) of the present terms of reference.

## **PART 3 INTEGRATION INTO THE ENVIRONMENT**

### Article 48 Environmental certification

For the activities that it carries out on the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, ADP takes the measures necessary to maintain its certification in accordance with the ISO 14 001 standard or any international standard that might replace it in the future.

ADP continues its action aimed at controlling the environmental impact of the activities of its suppliers, its sub-contractors and the businesses established on the aerodromes that it operates, by introducing environmental clauses into the contracts to promote ISO 14 001-type management systems.

### Article 49 Information for the public on environmental impacts

ADP makes the environmental information about the aerodromes that it operates available to the public and, every year, publishes the results of the measurements that it carries out on aircraft sound nuisance, air pollution, water pollution and the waste generated by the activities at aerodromes that it operates. To this end, the air traffic control service provider communicates information relating to the management of air traffic to ADP.

On each of the aerodromes of Paris - Charles-de-Gaulle and Paris-Orly, ADP sets up a public reception facility for the purposes of information and discussion about the environmental problems of airports and air traffic. These facilities include an area dedicated to air traffic management that allow, in particular, the viewing of flight paths and the provision of individual responses to the public through experienced spokespersons.

### Article 50 Relations with local residents

ADP implements a policy of communication with local residents about the environmental and economic impacts of the airports.

ADP investigates complaints and requests for information from local residents on matters that do not fall within the jurisdiction of the air traffic control service provider.

ADP continues its discussions and actions undertaken to support employment, training and improvement in the quality of life for the local residents.

### Article 51 Relations with the local communities

ADP implements a policy of communication with the local communities on the environmental and economic impacts of the airports.

ADP gets involved in partnerships with the local communities whose territories are feel the impact of the aerodromes that it operates and takes part in work carried out by organisations whose role is to support actions aimed at encouraging local development, improvement in the quality of life of local residents, in the fields of employment and training, urban planning, the environment and transport.

Every year, ADP provides the local communities with the items of information stipulated in Article 11 of the present terms of reference.

Article 52  
Shared information from ADP and the air carriers

ADP and the air carriers serving the aerodromes referred to in the first paragraph of Article L. 251-2 of the civil aviation code exchange information, at least once per year, on the actions they have taken and policies they have implemented for integration into the environment.

**PART 4**  
**PROVISIONS RELATING TO LAND AND INFRASTRUCTURES**

Article 53  
Transfers, property purchases and creation of securities on works or land

The categories of property referred to in the second paragraph of Article L. 251-3 of the civil aviation code are as follows:

1 For the aerodromes of Paris - Charles-de-Gaulle, Paris-Orly and Paris-Le Bourget, all of the land defined on the maps attached to the present terms of reference, as well as the properties on it;

2 For the other aerodromes referred to in Article L. 251-2 of the civil aviation code:

- the runways, aprons and parking areas intended for aircraft;
- the terminal buildings intended for passengers;
- the fuel storage installations;
- the networks supporting airport activity and intended for the supply, distribution and/or removal of water, electricity, telecommunications and aircraft fuel;
- the land on which the aforementioned works are based, with the exception of those for the networks referred to in the previous paragraph.

ADP communicates to the minister responsible for civil aviation any plan for the transfer, property purchase or creation of security relating to a works or land falling into the above-mentioned categories, accompanied by a draft of the agreement with the transferee, the payee for the property or the beneficiary of the security. The minister responsible for civil aviation has a period of three months with effect from the receipt of the plan to make known his reasoned decision to oppose it or, if relevant, the special conditions that he applies to the carrying out of the operation.

Article 54  
Occupation of property

The contracts that ADP concludes for the occupation of property within the airport perimeter must be compatible with the provision of a public airport service and its foreseeable growth.

If the development of the public airport service makes the early termination of a contract for occupation concluded by ADP necessary, the cost of evicting the occupant, whatever the form, is only taken into account in establishing the fees referred to in Article L. 224-2 of the civil aviation code insofar as their determination had previously taken into account the income resulting from the said contract.

Article 55  
Facilities not associated with the public airport service

At least three months before making any commitment, ADP communicates to the minister responsible for civil aviation as well as to the air carriers, under the conditions stipulated in Article 11 of the present terms of reference, details of operations on a developed area greater than 10,000 m<sup>2</sup> that it is considering carrying out or which it is considering authorising a third party to carry out within the boundaries of or in immediate proximity to the aerodromes of Paris-Charles-de-Gaulle and Paris-Orly and which are unrelated to the public airport service. In this case, it must demonstrate that these projects will not have an adverse impact on the exercising of public service and that they are compatible with its foreseeable development.

These operations must not result in making the use of the public airport service more difficult.

Article 56  
Capacity of the airport infrastructures

ADP implements and operates a system for measuring the capacity of the various airport installations.

The details received are made available to the minister responsible for civil aviation.

They contribute to the determination of the programmes for investment in capacity that are shown in the contracts referred to in Article L. 224-2 of the civil aviation code.

Except in urgent cases, ADP is obliged to inform the minister prior to any substantial change, whether permanent or temporary, in the capacities of the airport installations. It also inform the users who might be affected.

Article 57  
Declarations of compulsory purchases for public purposes

When the execution of works by ADP that are in the general interest require prior acquisitions through compulsory purchase, ADP notifies the State departments. At the end of a period of two months with effect from the receipt of this notification, the company can refer the case to the competent administrative authority to conduct the procedure for declaration of public interest.

Article 58  
Provisions applicable to works

At least two months before they begin, ADP keeps the State departments informed of any planned works that might affect the carrying out of their roles, in particular on the movement areas. Within this timescale, the State departments can put forward proposals regarding the timetable, the phasing and the methods for execution of these works. Within a period of eight days, ADP indicates to the State departments how it intends to respond to these proposals.

For the works for which it is the project manager, ADP respects and ensures the respect of the aeronautical and radio servitudes associated with the aerodromes that it operates.

## **PART 5 FINANCIAL PROVISIONS**

### **Article 59 Cost accounting**

ADP implements and operates an information system and cost accounting for its various activities identifying in particular the scope referred to in Article R. 224-3-1 of the civil aviation code as well as each of those to which Article 61 of the present terms of reference applies. This information system and this cost accounting also identify the activity relating to the public airport services referred to in Article R. 224-1 of the civil aviation code.

This information system must make it possible, on the one hand, for statements showing the revenue and costs of operation as well as the fixed assets and an estimate of the working capital associated with each category of activities to be prepared and, on the other hand, the method used for their allocation or distribution among these categories whilst faithfully reflecting the financial structure and organisation of ADP. Without duly justified exception, this method is identical from one financial year to the next.

Each year, these statements are certified by an independent body chosen by ADP with the confirmatory opinion of the minister responsible for civil aviation. This certification gives rise to drafting of a report sent, 30 days at most after approval of the company accounts, to the ministers responsible for civil aviation and the economy.

The details of the information system and the accounting data are kept available to these same ministers at all times in suitable formats for undergoing external audit.

### **Article 60 Separate accounting of ground handling activities**

Every year, the report referred to in Article R. 216-13 of the civil aviation code is sent, 30 days at most after approval of the company accounts, to the minister responsible for civil aviation.

### **Article 61 Use of allocated fiscal resources**

#### **a) Airport tax:**

ADP allocates the income from airport tax to the funding of airport safety and security roles as well as to environmental controls, the scope of which are defined by a decree issued by the ministers responsible for civil aviation and the budget.

ADP provides these same ministers with the data relating in particular to the costs declared by ADP for the current year and for the preceding and following years and which is needed to set the rate of tax, in the format and on the dates stipulated by the aforementioned decree.

The administration notifies ADP of the data used to set the rate of tax.

#### **b) Tax on air sound nuisance:**

ADP nominates, within its organisation, a section responsible for the management of financial assistance for the soundproofing of the houses of local residents.

ADP provides the ministers responsible for civil aviation, the environment and the budget with all of the data necessary for the estimation of the financial requirements for the following

year and for setting the rate of tax.

ADP makes the current statement with regard to available financial resources, the status of financial commitments and the number of files in the process of being investigated available at all times for the minister responsible for civil aviation.

ADP presents to the ministers responsible for civil aviation, the environment and the budget with an annual report relating to the management of the system that includes, in particular, the following information:

- the payments made against commitments for the previous years and against commitments for the year;
- the number of files that were the subject of a commitment for the previous years and of a commitment within the year, making a distinction between the diagnostics and works on individual houses, on public buildings and on shared facilities;
- the average cost per file, making a distinction between the diagnostics and the works on individual houses, on public buildings and on shared facilities;
- the average timescale for investigating files;
- the amount of management costs and the procedures implemented by ADP for which the funding is covered by the tax;
- proposals from ADP aimed at improving the system.

Each year within the town halls of the residents local to the aerodromes that it operates, ADP organises meetings to provide information about the system of grants as well as a service to assist in the submission of files requesting grants.

## **PART 6 INFORMATION TO BE SUPPLIED AND PROCEDURES FOR CHECKING OF ADMINISTRATION**

### Article 62 Information to be supplied

a) Information relating to infrastructures and the execution of the public service:

At the latest 30 days after approval of the company accounts, ADP sends to the ministers responsible for civil aviation and the economy a report on the execution of its public service role for the last financial year. This report includes in particular an analysis of the quality of service as well as, regarding operations linked to the capacity of the aerodromes, the statement of investments made and a provisional plan of investments for the next five years, broken down by operation and including the associated repayment schedules. Furthermore, the report includes a presentation of the actions undertaken by ADP on the integration of the aerodromes into their environment.

b) Data relating to traffic:

Regularly, in the formats and according to the frequency stipulated in a decree from the minister responsible for civil aviation, ADP supplies the data relating to commercial and non-commercial air traffic as well as the statistical information relating to the operation of the services that it provides in accordance with the present terms of reference.

c) Financial information:

Without prejudice to the provisions of the civil aviation code that apply and at the latest 30 days after approval of the company accounts, each year ADP sends to the ministers responsible for civil aviation and the economy a report relating to the previous financial year and comprising:

- the company and consolidated accounts and their annexes;
- the report on company activity and the auditor's reports;
- with effect from the financial year 2006, with regard to the scope of activities referred to in Article R. 224-3-1 of the civil aviation code and, with effect from the financial year 2007, with regard to the activities relating to the public airport services referred to in Article R. 224-1 of the same code, the following items arising from the cost accounting referred to in Article 59: the operating profit and loss account, the constituent elements of the fixed asset base, an estimate of the working capital requirements; to these items are added the intermediate balances and the financial ratios defined by decree from the ministers responsible for civil aviation and the economy.

d) Information on contracts signed with linked companies:

Every year with effect from the financial year 2006 and within the same timescale as that referred to in paragraph c) above, ADP informs the ministers responsible for civil aviation and the economy of the financial conditions of the contracts for which the estimated value excluding tax, on the basis of the added value, exceeds 130,000 Euros that it has signed with companies that are linked to it within the meaning of sub-section III of Article 29 of Order no. 2005-649 of 6 June 2005, within the scope of the activities referred to in Article R. 224-3-1 of the civil aviation code and within the fields referred to in Article 61 of the present terms of reference.

These financial conditions are evaluated in particular on the basis of contracts of the same type signed by ADP with third companies and, if necessary, with the current circumstances within ADP for the activity concerned prior to the conclusion of the said contract.

#### Article 63

##### Procedures for checking administration

The authorities and departments appointed for this purpose by the minister responsible for civil aviation and, where relevant, by the minister responsible for the economy or by persons mandated by these same ministers check that ADP is meeting the obligations to which it is committed through the present terms of reference. This checking can be carried out either using documentary evidence or on the spot.

ADP provides assistance and any necessary documents for this checking.

**PART 7**  
**PROTECTIVE MEASURES AND ADMINISTRATIVE SANCTIONS**

Article 64  
Protective measures

In the event of a serious and persistent failure of ADP to meet the obligations imposed by the present terms of reference and leading to damage to the effective execution of public service, the minister responsible for civil aviation or the holders of police powers referred to in Article L. 213-2 of the civil aviation code may, each in their own field and after giving notice for the matter to be remedied with a timescale appropriate to the nature and urgency of the failure, order any protective measures intended to temporarily ensure the operation of the public airport services. These are implemented directly by the State departments or are entrusted by them to a third party and are carried out at the expense of ADP.

Article 65  
Administrative sanctions

Failures to meet the obligations imposed by the present terms of reference form the subject of written reports. These reports are sent to ADP. On expiry of the deadline, with a minimum period of one month, given to ADP to present its comments, the minister responsible for civil aviation passes it to the expert committee referred to in the final paragraph of the present article, which issues an opinion on the actions to be followed. ADP must be aware of all of the details of the file. It must be given an opportunity to be heard by the committee before the latter gives its opinion and to be supported or represented by any person of its choice.

Under the conditions and within the limits fixed in the final paragraph of Article L. 251-2 of the civil aviation code, the minister responsible for civil aviation can, following the opinion of the expert committee, issue a monetary penalty against ADP. No fine can be imposed more than two years after the report of a failure.

Fines that are the subject of a reasoned decision are notified to ADP. They can be the subject of full hearing before the administrative court of Paris. The fines are recovered as State debts beyond the bounds of taxation and the field in question.

The minister appoints an expert committee comprising three members, chaired by a magistrate from the judiciary or the administration. This committee, for which the minister draws up the internal rules, is responsible for investigating reports of failures to meet the obligations of the present terms of reference and for issuing an opinion on the actions to be taken.

**PART 8**  
**MISCELLANEOUS PROVISIONS**

Article 66  
Freedom of information

The provision of information referred to in the present terms of reference is free.