

Consulting with the airport users, with their representatives or with the airport user associations regarding the airport tariffs system functioning and of the airport tariffs level

1. PURPOSE

The purpose of this procedure is to describe how the airport users, their representatives or the airport user associations are consulted regarding the modification of the airport tariffs system or level. The responsibility to modify the airport tariffs system or level belongs to the airport administrator but, if possible, he can consult the airport users as well.

2. DOMAIN

2.1. The Procedure applies only for the airport tariffs levied on CNAB aerodromes, as they are defined and identified under art. 1, paragraph 1, from the Order of the Ministry of Transportation no. 744/2011:

- a) landing tariff;
- b) lighting tariff;
- c) parking tariff;
- d) passengers services tariff;
- e) development tariff;
- f) transit tariff;
- g) transfer tariff;
- h) airport security tariff.

2.2. The Procedure does not apply to the tariffs levied for providing route and terminal air navigation services according to the Regulation (CE) no. 1.794/2006 of the Commission from 6.12.2006 which provides a joint scheme for applying the air navigation tariffs, the ground handling services tariffs, provided by the Annex to the Romanian Civil Aeronautical Regulation regarding the access to the ground handling services market – RACR – APSH, edition 03/2007, approved through the Ministry of Transports Order no. 101/2007, or for the tariffs levied for financing the assistance granted to the handicapped or reduced mobility passengers, provided in the Regulation (EC) no. 1.107/2006 of the European Parliament and Council, dated 05.07.2006, regarding the rights of the handicapped and of the reduced mobility passengers during the air travel.

3. DEFINITIONS AND ABBREVIATIONS

3.1 Definitions

a) airport means any land surface especially developed for an aircraft landing, take-off and maneuvers, including the auxiliary installations which might be necessary for these operations in order to carry out the air traffic and air services requirements, including the installations necessary for assisting the commercial air services for which the administrator owns a valid certificate, issued by the Ministry of Transports and Infrastructure in compliance with the specific regulations in force for the public air transport;

b) the airport administrator is a natural or legal person who, besides other activities, has or doesn't have, as the case may be, as objective, based on the national legislation or regulations or on contracts, the administration and management of an airport infrastructure or of an airports network, as well as the coordination and control of the activities of different operators present in the airports or in the airports network;

c) user of an airport is any natural or legal person responsible for the air transportation of passengers, mail and/or cargo to any airport;

d) airport tariff is any amount collected to the benefit of the airport administrator and paid by the airport users for using the facilities and services put exclusively at their disposal by the airport administrator and which are connected to the aircraft landing, take-off, lighting and parking, as well as to the passengers and cargo processing;

e) airports network is a group of airports designated in compliance with the applicable regulations in force and operated by the same administrator.

3.2. Abbreviations

- CN AB-Compania Națională Aeroporturi București (Bucharest Airports national Company)
- DG-Director General
- AACR-Autoritatea Aeronautică Civilă Română (Romanian CAA)
- AIHCB-Aeroportul Internațional Henri Coandă București (Bucharest Henri Coanda International Airport)
- AIBB-Aeroportul Internațional București Băneasa (Bucharest Baneasa International Airport)
- CA-Consiliul de Administrație (Administration Board)
- SCGEC-Serviciul Contabilitate de Gestiune și Evidență Contracte (Accounting and Contracts Monitoring Department)
- AOC-Comitetul Operatorilor Aerieni (Airport Operators Committee)
- DEDO-Director Executiv Direcția Operațiuni (Executive Director, Operations Direction)
- DDE-Director Direcția Economică (Economic Direction Director)

4. ASSOCIATED DOCUMENTS

- Gov. Decision no. 445/2011 regarding the airport tariffs;
- Order of the Transportation and Infrastructure Ministry no. 744/2011 for establishing the conditions which might be associated to the airport tariffs and the criteria which can be applied for differentiating the airport tariffs, with the subsequent changes and completions;
- DIRECTIVE 2009/12/CE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL from 11.03.2009 regarding the airport tariffs;
- The tariffs schedule and application rules at AIHCB and AIBB;
- Gov. Decision no. 1208/2009 regarding the set-up of Bucharest Airports National Company by the merger of Bucharest Henri Coanda International Airport National Company S.A. with Bucharest Baneasa Aurel Vlaicu International Airport National Society S.A.;
- The Incorporation Articles of Bucharest Airports National Company S.A. from 07.10.2009;

- Ordinance no. 29/1997 regarding the Civil Air Code, with the subsequent changes and completions;
- AACR address no. 28833/26.10.2015- Notification regarding the conformity with the provisions of the Gov. Decision no. 455/2011 about the airport tariffs;

5. THE PROCEDURE

5.1 THE CALCULATION AND MONITORING OF THE AIRPORT TARIFFS

- The Economic Direction, through SCGEC, calculates the airport tariffs (point 8 – Tariffs Schedule and Application Rules) practiced by CNAB based on the analysis (made annually or when the initial conditions are modified) of the costs involved in the execution of the services rendered to the company clients in order to fall under the provisions of the policies and to achieve the planned profitability indicators.
- The Economic Direction, through SCGEC, analyzes the practiced tariffs and makes proposals for their modification whenever necessary, drafting a detailed report containing the reasons on which the proposal was based, which will be submitted for approval to the Administration Board, in compliance with the provisions of art. 19, letter I from the Incorporation Articles of Bucharest Airports National Company, approved by the Gov. Decision no. 1208/2009.
- When required by the General Director or by other Directions within CNAB, in case there is an intention to apply some airport tariffs, other than those under point 8 of the Tariffs Schedule and Application Rules and in compliance with the provisions of art. 1-(1), letters a-h from the Ministry of Transportation and Infrastructure Order no. 744/2011, with the subsequent changes and completions, SCGEC shall draft the presentation report for the new airport tariff which shall be submitted for approval to the Administration Board.

5.2 CONSULTING WITH THE AIRPORT USERS

- The report about a new airport tariff or the modification of an existing one, after it has been approved by the Administration Board shall be submitted to DEDO with minimum 6 months before it becomes effective/it changes, in order to be introduced on the agenda of the AOC.
- DEDO, after consulting with the AOC chairman, suggests the date of the AOC meeting in which the suggested report shall be discussed. At DEDO's invitation, the Economic Direction, through SCGEC, shall provide the technical support.
- DEDO shall send to the Economic Director the Minutes of the AOC regarding the proposed subject in order to integrate the points of view within the initial report.

5.3 THE APPROVAL OF THE REQUEST FOR MODIFYING THE AIRPORT TARIFFS

- After consulting the airport users and following the disposition of the DDE, SCGEC drafts the final report for the change or introduction of a new airport tariff, which shall be submitted for approval to the Administration Board.
- The decision of the Administration Board shall be published on the web page of CNAB, www.bucharestairports.ro, under "Airport tariffs".
- Within 5 business days from uploading the decision, any party can request an investigation from the Supervising Independent Authority, provided under art. 14 from the

Government Decision no. 455/2011, for the purpose of analyzing the reasons for modifying the system or the level of the tariffs.

- In case there is no request within 5 business days from uploading the decision, before requesting ROMATSA to publish the changes in AIP-Romania, CNAB shall submit to AACR all the documents which underlay the change/introduction of the airport tariff, in order to check the observance by CNAB of relevance, objectivity, non-discrimination and transparency criteria rendered by the Gov. Decision no. 455/2011, especially by the provisions of art. 5, art. 8, excepting paragraph (5), and art. 9.

5.4 THE SETTLEMENT OF THE DISAGREEMENT

- In case of a disagreement between CNAB and the airport users, AACR shall settle it in compliance with the provisions of art. 10 from the Gov. Decision no. 455/2011.
- All the parties involved shall be notified in written by AACR, whose decision is compulsory.

6. RESPONSABILITIES

6.1 DDE:

- approves the analysis and reports of SCGEC for the modification or introduction of an airport tariff;
- records the requests of the AOC regarding the modification or introduction of new airport tariffs, before SCGE drafts the final report which shall be submitted for approval to the DG and CA.

6.2 DEDO

- receives the documents regarding the modification of the airport tariffs, submits them to be discussed within the AOC and transmits to SCGEC the AOC minutes regarding the discussed subject;
- transmits to the airlines, including the AOC, and in order to be uploaded on the internet page of CNAB, any relevant and compulsory information, according to the regulations in force, about the airport tariffs, other than those regarding the economic calculation of the tariff (for example, the operational justification, the quality of the services delivered, etc.).

6.3 SCGEC is responsible for:

- making profitability periodical analysis for the airport tariffs which make the object of the present procedure;
- making the calculation regarding the tariffs based on the cost control data achieved by CNAB for providing the services for which airport tariffs are levied;
- drafting and submitting for the approval of the Administration Board of the proposals to modify the system and/or the level of the airport tariffs, before and after consulting with the AOC;
- transmitting to DEDO the documentation, from an economic point of view, regarding the airport tariffs, in order to be discussed within the AOC; providing the necessary support for presenting the data within the AOC;
- providing the data to the department in charge with publishing the airport tariffs on CNAB web site.

7. RECORDS

- 1.The CA report for the approval to change some airport tariffs or introduce new ones.
- 2.Information address to DEDO containing the necessary documentation which shall be discussed with the AOC members.
- 3.The AOC Minutes.
- 4.AIP Romania “airport tariffs” section.

8. ANNEXES

8.1 ANNEXES

n/a

8.2 FORMS

n/a