

Official Gazette no. 93 of April 21, 2005 page 6969

text no. 1

LAWS (extracts)

LAW no. 2005-357 of April 20, 2005 in airports (1)
NOR: EQUX0400177L

The National Assembly and the Senate have enacted,

Considering the decision of the *Conseil constitutionnel* no. 2005-513 of April 14, 2005;

The President of the Republic enacts the following law:

TITLE I

PROVISIONS RELATING TO THE COMPANY

AÉROPORTS DE PARIS

Article 1

The public institution Aéroports de Paris is converted into a *société anonyme*. This conversion neither results in the creation of a new legal entity, nor has any consequence on the legal regime by which the staff is governed.

Article 9

After Article L. 224-1 of the French Code of Civil Aviation, Article L. 224-2 is added and reads as follows:

“Article L. 224-2. - I. – Airport public services shall give rise to the payment of fees for provided services set in accordance with the provisions of the second paragraph of Article L. 410-2 of the French Commercial Code.

The amount of fees shall take into account the return on invested funds. It may take into account expenses, including future expenses, related to the construction of new infrastructure or facilities before they are placed in service.

Limited adjustments may be made thereon, for general interest reasons, intended to reduce or compensate environmental damages, improve the use of infrastructure, favor the creation of new links or provided for continuity and territorial development.

The total proceeds from such fees cannot exceed the costs of the provided services on the airport.

“II. – For Aéroports de Paris and for civil airport operators belonging to the State, multi-annual agreements of a maximum term of five years entered into with the State shall determine the conditions of evolution of airport fee rates, which take into account, in particular, estimated costs, receipts, investments, as well as objectives of quality of public services rendered by the airport operator. These agreements shall be included in the airfield concession agreements entered into by the State.

Failing any multi-annual agreement determining the conditions of evolution of airport fee prices, such prices shall be determined on an annual basis under conditions set by Decree.

III. – A Decree in *Conseil d'Etat* shall determine the terms and conditions of application of this article, in particular airport categories falling within it, rules relating to scope, basis and adjustments of fees, principles and conditions of determination of their rates, as well as administrative sanctions that might be imposed on the operator in case of breach of its obligations in this respect.

The administrative authority may impose a financial sanction the amount of which is in proportion to the seriousness of the breach and benefits derived therefrom, without exceeding 1% of the turnover excluding taxes of the most recent fiscal year of the operator.”

Done in Paris, of April 20, 2005.

Jacques Chirac

By the President of the Republic:

The Prime Minister,

Jean-Pierre Raffarin

The *garde des sceaux*, Minister of Justice,

Dominique Perben

The Minister of the Economy,

Finances and the industry,

Thierry Breton

The Minister of Equipment, Transportation,

Territorial Planning,

Tourism and the Sea,

Gilles de Robien

The Minister of Public Service

and the State Reform,

Renaud Dutreil

The Minister of Small and Medium-Size Companies,

Trade, Crafts,

Liberal Professions

and Consumption,

Christian Jacob

The Minister delegated to Budget

and Budget Reform,

Spokesman for the Government,

Jean-François Copé

The Secretary of State for Transportation

and the Sea,

François Goulard