



**Regulatory Body for Railway Transport and
for Brussels Airport Operations**

**Communication C-2015-02-LA of June 5th, 2015 regarding the yearly consultations with the
users during the regulatory period 2016 - 2021 at Brussels Airport**

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1. Context

1. The present communication happens consecutively to the process of tariff consultations for regulated activities held from January 14th till May 7th, 2015 and the notification of the tariff formula and the tariff system on May 11th 2015 by Brussels Airport Company, in execution of articles 39 and following of the royal decree of June 21st, 2004 attributing the operating license of Brussels-National airport, here after the decree of June 21st, 2004.

2. Legal framework

2. The decree of June 21st, 2004 establishes in its article 53bis that :
« § 1^{er}. Excepté s'il en est expressément convenu autrement, lors de la consultation pluriannuelle, entre le titulaire et au minimum deux compagnies non liées (indifféremment de passagers ou de fret) représentant ensemble au minimum soit 75 % des mouvements annuels soit 75% des passagers au cours de l'année civile précédent la consultation pluriannuelle, le titulaire organise, dans le cadre d'une consultation périodique entre le titulaire et les usagers, une concertation annuelle avec les usagers.¹ [...] ».

3. Analysis and observations

3. The Regulatory Body notices that, neither during the consultations, nor in the meeting reports of the consultations, nor in the final meeting report of May 8th, 2005, the exception foreseen in article 53bis, § 1^{er} of the decree of June 21st, 2004, has not been mentioned and, a fortiori, has not been submitted to a decision.
4. Therefore, the Regulatory Body concludes that articles 53bis et 53ter of the said decree are fully applicable, what implies the organization by the license holder of annual consultation meetings with the users during the regulatory period 2016 - 2021.

¹ *“Unless explicitly agreed differently, during the multiannual consultation, between the holder and at least two independent companies (passengers or freight) representing together at least either 75 % of the yearly movements or 75% of the passengers during the civil year before the multiannual consultation, the holder organizes a yearly consultation with the users, in the context of a periodic consultation between the holder and the users.” (free translation)*

Given the above-mentioned, the Regulatory Body invites Brussels Airport Company to take all necessary measures in order to organize the annual consultations during the regulatory period 2016 -2021, in accordance with the clauses prescribed in articles 53bis and 53ter of the royal decree of June 21th, 2004 attributing the operating license of Brussels-National airport.

Brussels, 5th of June, 2015.

For the Regulatory Body for Railway Transport and for Brussels Airport Operation,

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Director