

Tariff Consultations Brussels Airport



GUIDELINES FOR FILING A COMPLAINT

LEGAL FRAMEWORK

The legal framework regarding the procedure for tariff consultations at Brussels Airport is laid down in two royal decrees:

- Royal Decree of 27 May 2004 (privatising Brussels Airport operations)
- Royal Decree of 21 June 2004 (granting the operating licence to Brussels Airport Company).

WHO?

1) Every Brussels Airport user, even when he has not participated in the tariff consultations, can disagree on the final tariff proposal made by the operator of Brussels Airport.

2) Any association representing airlines with a power of attorney from an airport user, containing:

- name and address of the airport user,
- name and position of the signatory,
- scope of the power of attorney,
- date and signature.

WHERE?

A complaint must be filed with the Regulatory Body for Railway Transport and Brussels Airport Operations at the following address:

Regulatory Body for Railway Transport and Brussels Airport Operations

Kruidtuinlaan 50 box 72

1000 BRUSSELS

Belgium.

LANGUAGE?

The complaint must be drafted in French, Dutch or German; the annexes may be in English.

WHEN?

The complaint must be filed with the Regulatory Body within 30 days after the notification of the final tariff proposal by the airport operator.

HOW?

The complaint must be filed by the sending a registered letter with receipt or its equivalent (international courier with receipt) to the Regulatory Body. This letter must contain a motivated request, mentioning specifically:

- the subject (i.e. disagreement with the final tariff proposal),
- an exhaustive list of arguments as to why the tariff proposal is not acceptable in the airport user's view.

ARGUMENTS TO DISAGREE

There are two main categories of reasons for disagreeing on the tariff proposal:

- unfair consultations due to the information distributed during the consultations,
- proposed tariff formula and/or tariff system do(es) not comply with the terms of the legal framework.

ARGUMENT 1: DISTRIBUTION OF INFORMATION

The airport operator has not complied with its obligation to distribute the information provided by article 53 §1 of the RD 21 June 2004. Minimal information to be distributed by the airport operator:

- proposal of tariff formula and tariff system,
- forecasts as regards traffic,
- costs and revenues,
- net fixed assets and current assets for each regulated activity for both the ending and the new regulated period,
- level of subsidisation of the regulated activities for both regulated periods,
- information allowing a comparison with the tariffs of the reference airports,
- actual use of airport infrastructure and installations during the previous regulated period,
- forecasted results of large investments in terms of effect on the capacity of the airport.

ARGUMENT 2: NON-COMPLIANCE WITH THE LEGAL FRAMEWORK

The proposed tariff system and/or formula do(es) not comply with the terms of the royal decrees. Here below is a non-exhaustive list of requirements that appear in the legislation.

Tariff system and formula requirements (art. 42 and 43 RD 21 June 2004):

Cost related based on the ABC model

Fair margin (WACC)

In line with the reference airports

Taking into account of forecasts as regards traffic, revenues, OPEX and CAPEX, and financing costs

Principle of equal treatment

Principle of transparency

Providing a level of service satisfactory to the passengers, airlines and other economic parties at the airport

Conformity with international standards and practices.

Tariff system requirements (art. 35 RD 27 May 2004):

Non-discriminatory

Transparent

Sufficiently segmented, specifically with respect to the terms of use and modalities of the airport infrastructure and provided services

Differentiated according to noise/weight/day vs night.
