

COURTESY TRANSLATION

ORDER OF NOVEMBER 15, 1994 relating to the allocation of intra-community traffic within the Paris airport system

The minister for the equipment, Transport and Tourism,
Considering the EEC Regulation n° 2408/92 of July 23th, 1992 on access for community air carriers to intra-Community air routes;
Considering the protocol I on E.E.E agreement and the decision n° 7/94 of the joint committee of E.E.E, effective on the 1st of July 1994;
Considering the Civil Aviation Code, especially articles R.221-1 and R.221-3;
Considering the decree n° 93-421 of March 17th, 1993 enforcing the community regulations of air transport and modifying several parts of the Civil Aviation Code;
Considering the order of December 6th, 1993, modified by the order of May 31th, 1994, on the distribution of intra-community traffic within the Paris Airport system.

Orders:

Article 1- The present order establishes the distribution of intra-community air services between the airports inside the Paris Airport System, in sense of regulation (C.E.E) n° 2408/92 (Orly, Charles De Gaulle and Le Bourget airport).

Article 2- By the meaning of this order, we understand:

Community airport: Every airport located on the European Community territory and subject to the agreement. Without prejudice to the agreement and convention which the European community is a contracting part.

Air service: A flight or a series of flight carrying , against payment, passengers, cargo and/or mail,

Regular Air service: A series of flight involving all the following characteristics:

i) It is operated, against payment, by using aircraft carrying passengers, cargo and/or mail, with some requirements such as, on every flight, seats are sold individually, and made available to public directly either by air carrier or by accredited agents.

ii) It is organized in order to operate the route between the two same airports or more:

1) According to a published schedule or

2) With a regularity or frequency that constitutes some systematic and obvious series.

Article 3- Subject to authorization of traffic rights corresponding, related to the CEE agreement n°2408/92 aforementioned, the intra-community air services operates at Charles De Gaulle airport or Orly airport under the conditions set in articles 4 and 5 of this order.

Article 4- Each carrier can only operate 4 out-bounds and 4 in-bounds per day between Orly airport and another airport or a community airport system.

Article 5- Restrictions of Art-4 can not be applied when the carrier uses on Orly platform for the exploitation of services mentioned on the article, between 7am and 9.30am (local time) and between 6pm and 8.30pm (local time), exclusively aircraft with a fixed minimum capacity based on annual traffic as follows:

AIRCRAFT MINIMUM CAPACITY (Number of seats +/- 5%)	TOTAL ANNUAL TRAFFIC (Number of passengers)
40	Less than 100 001
70	From 100 001 to 250 000
100	From 250 001 to 1 000 000
140	From 1 000 001 to 3 000 000
200	More than 3 000 000

The total annual traffic as determined above is defined as the aggregate traffics from the 1st of January to 31th of December on all air services between a specific community airport or, where appropriate, the airport service to which it belongs, and the Paris Airport system.

After a reasonable delay of implementation, these clauses will be submitted to a report, after which, if necessary, we will consider, for the implementation of the second and third paragraph above, the annual traffic defined as the traffic between Orly Airport, and on the other hand a community airport or the airport system it belongs to.

Levels of annual traffic taken into account, appear in an appendix to this order and can be revised annually.

In the event of subsequent traffic increase involving exceed above-cited, the air carriers have to conform to the resulting enforceable dispositions, within six months after the appendix publication, unless they observe the Article 4 dispositions.

In case of specific events causing a significant and sudden traffic reduction on a route or on a group of routes, the director of civil aviation may decide to reduced the capacity on the route or on the group of routes concerned, without waiting for confirmation of the effect of these events on the annual traffic. The carriers impacted are advised.

Article 6- Despite this order dispositions, the non-schedules air services to or from the community airports on which seats are not commercialized separately to the public, neither directly or indirectly, and operated through aircraft with a capacity less or equal to 25 seats are operated from Le Bourget Airport; however, the director general of civil aviation can decide dispensation for services providing the transportation of passengers in transit at Orly airport or Charles De Gaulle Airport.

Services referred in paragraph above but operated by using aircraft with a effective capacity exceeding 25 seats, can not operate at Le Bourget airport; However, the director general of civil aviation can decide dispensation when specific circumstances or specific flight characterize their exploitation at Le Bourget.

Article 7- Any air carrier wishing to operate an air service on one of the airports in the Paris airport system, when filing its operations program, provides elements enabling the competent authority to ensure compliance of the provisions of this order, and verify, in

particular, that the selling conditions of service they are subjected, do not affect, directly or indirectly the application of articles 4,5 and 6.

Article 8- The present order and its appendix are applicable from the publication in the 'journal officiel' of the French Republic, except for Article 3 applicable from January 1st, 1995.

Article 9- The order of December 6th, 1993 aforementioned, modified by the order of May 31th, 1994, on the intra-community traffic distribution within the airport Paris system is abrogated from the effective date of this order, except Article 3 and 4, this articles will be abrogated from the effective date of Article 3 of this order.

Furthermore, the Article 5 of December 6th, 1993 order modified aforementioned is applicable until the effective date of Article 3 of this order, except for the mention of the 5th paragraph.

'The conditions defined in the annexe to this order' and the corresponding appendix are abrogated from the effective date of this order.

Article 10- The director general of civil aviation is responsible for the implementation of the present order, which shall be published in the 'Journal Officiel' of the French Republic.

Paris, November 15th, 1994

On behalf of the minister:

The Director General of Civil Aviation

M. Scheller

APPENDIX Year 1993

Annual passengers traffic between Paris airport system and the airports or intra-community airport system:

Over 3 000 000 passengers: London

Between 1 000 001 and 3 000 000 passengers: Nice, Marseille, Toulouse, Bordeaux, Strasbourg, Montpellier.

Between 250 001 and 1 000 000 passengers: Rome, Pointe-à-Pitre, Milan, Madrid, Amsterdam, Fort-De-France, Toulon, Frankfurt, Lyon, Mulhouse/Bale, Lisbon, Athens, Biarritz, Perpignan, Pau, Barcelona.

Brest, Saint-Denis, Copenhagen, Munich, Nimes, Brussels, Nantes, Porto, Ajaccio, Vienna, Manchester, Dusseldorf, Venice, Grenoble, Dublin.

Between 100 001 and 250 000 passengers: Bastia, Birmingham, Berlin, Palma, Clermont-Ferrand, Lorient, Hambourg, Oslo, Tenerife, Stuttgart, Helsinki, Malaga, Avignon, Turin, Quimper, Koln

Bologna, Naples, Figari

Less than or equal to 100 000: Others traffic

