

**CONSTITUTION**

**HEATHROW COORDINATION COMMITTEE**

# CONSTITUTION OF THE HEATHROW AIRPORT COORDINATION COMMITTEE

## 1. DEFINITIONS AND INTERPRETATION

1.1 In this constitution the following expressions shall have the following meanings:-

<b>"Air Carrier"</b>	means an air transport undertaking with a valid Operating Licence;
<b>"Airport Operator"</b>	means Heathrow Airport Limited or such other person as shall from time to time be the airport operator of LHR within the meaning of Section 82 of the Civil Aviation Act 1982;
<b>"Air Traffic Control"</b>	means National Air Traffic Services or such other person as shall from time to time be the provider of air traffic control services at LHR;
<b>"Annual General Meeting"</b>	means the annual general meeting of the Committee;
<b>"Authorised Representative"</b>	means any employee of a Member (or consultant retained by a Member with significant experience of scheduling for the purpose of providing scheduling expertise (a Retained Representative)) attending a meeting on behalf of that Member;
<b>"Chairman"</b>	means the Chairman of the Committee;
<b>"Coordinator"</b>	means the person responsible for Slot allocation and schedule coordination at LHR from time to time with the meaning of Article 4.1 of the Regulation;
<b>"Committee"</b>	means the Heathrow Airport Coordination Committee;
<b>"Extraordinary General Meeting"</b>	means an extraordinary general meeting of the Committee;
<b>"HAL"</b>	means Heathrow Airport Limited;

<b>"IATA"</b>	means the International Air Transport Association;
<b>"IATA Worldwide Slot Guidelines"</b>	means the Slot Guidelines published by IATA from time to time;
<b>"LHR"</b>	means Heathrow Airport - London;
<b>"Meeting"</b>	means either an Annual General Meeting or an Extraordinary General Meeting;
<b>"Member"</b>	means a member recorded in the Membership Register of the Heathrow Airport Coordination Committee;
<b>"Membership Register"</b>	means the register maintained in accordance with Clause 4.3;
<b>"New Entrant"</b>	shall have the same meaning as in the Regulation;
<b>"Operating Licence"</b>	means an authorisation, issued by a legally competent authority responsible, to an undertaking permitting it to carry out carriage by air of passengers mail and/or cargo, as stated in the operating licence, for remuneration and/or hire;
<b>"Regulation"</b>	means Council Regulation (EEC) No 95/93 as amended by Council Regulation 793/2004;
<b>"Scheduling Committee"</b>	means the Heathrow Airport Scheduling Committee;
<b>"Secretary"</b>	means the Secretary of the Committee;
<b>"Slot"</b>	shall have the same meaning as in the Regulation:
<b>"Statutory Instrument"</b>	means the Airports Slot Allocation Regulations 1993 S.I.1993 No. 1067; <b>[to be updated when known]</b>
<b>"Undertaking"</b>	means any natural person, any legal person whether profit making or not, or any official body whether having its own legal personality or not;

- 1.2 References to legislation or statutory provisions shall where the context so admits or requires be construed as references to that legislation or those provisions as respectively amended consolidated extended or re-enacted from time to time and shall where the context so admits or requires be construed as including references to the corresponding provisions of any earlier legislation (whether repealed or not) directly or indirectly amended consolidated extended or replaced thereby or re-enacted and shall include any orders, regulations, instruments, or other subordinate legislation made under the relevant statute.
- 1.3 For the interpretation of this constitution, the Interpretation Act 1978 shall apply as it applies to the interpretation of an Act of Parliament.

## **2. NAME AND OBJECT**

- 2.1 The name of the Committee is the Heathrow Airport Coordination Committee
- 2.2 The object of the Committee is to be the Coordination Committee at Heathrow airport for the purposes of the Regulation and the Statutory Instrument.

## **3. PURPOSE AND PRINCIPLES**

- 3.1 The tasks of the Committee shall be to make proposals concerning or advise the Coordinator and/or Member State on:
  - 3.1.1 Possibilities for increasing the capacity of LHR in accordance with Article 3 of the Regulation or for improving its usage;
  - 3.1.2 The coordination parameters to be determined in accordance with Article 6 of the Regulation;
  - 3.1.3 The methods of monitoring the use of allocated Slots;
  - 3.1.4 Local guidelines for allocation of Slots or the monitoring of the use of allocated slots, taking into account, inter alia, possible environmental concerns;
  - 3.1.5 Improvements to traffic conditions prevailing at the airport in question;
  - 3.1.6 Serious problems encountered by New Entrants, as provided for in Article 10(9) of the Regulation.
  - 3.1.7 All questions relating to the capacity of LHR

The Committee shall also mediate between the parties concerned on complaints on the allocation of slots, as provided for in Article 11 of the Regulation.

- 3.2 In performing its functions set out in clause 3.1 the Committee shall have regard to the provisions of the IATA Worldwide Slot Guidelines and Community-wide guidelines applicable to LHR and to any local guidelines adopted by the Committee.

## **4. MEMBERSHIP**

- 4.1 The following shall be entitled to be Members of the Committee;

- The Airport Operator
- Air Traffic Control
- The Scheduling Committee and Air Carriers using the Airport regularly or who have expressed an interest in the allocation of slots and the coordination of schedules at the Airport and
- The representative organisations of Air Carriers using the Airport regularly

4.2 The following representative organisations are also Members at the date of the adoption of this Constitution:-

The IATA Slot Policy Working Group

General Aviation Manufacturers and Traders Association

European Business Aviation Association

4.3 There shall be a Membership Register and the Secretary shall enter the names of all the above and of any new Members on the Membership Register;

4.4 An Air Carrier which holds slots for the current or forthcoming season at LHR will automatically be included on the Membership Register;

4.5 Any other Air Carrier which is not on the Membership Register and which wishes to be a Member shall apply for membership in writing to the Secretary who shall enter its name on the register of Members if that Carrier has expressed an interest in the allocation of slots and the coordination of schedules at the Airport;

4.6 A representative organisation of Air Carriers which is not on the Membership Register and which wishes to be a Member shall apply for membership in writing to the Secretary who shall enter its name on the Membership Register if that representative organisation represents Air Carriers using LHR regularly;

4.7 A Member shall cease to be a Member if:-

- It resigns or
- It goes into liquidation or
- It ceases to use the Airport regularly

4.8 The Secretary shall make a note in the register of the names of Members who have ceased to be Members together with the date of such cessation;

4.9 The Members shall decide all disputed issues about membership by a majority vote at a Meeting.

## **5. MEMBERS REPRESENTATIVES**

5.1 Each Member shall delegate an individual to be its Authorised Representative ("the Authorised Representative") at Meetings;

5.2 No Member shall be represented by more than one Authorised Representative;

- 5.3 The Authorised Representative may vary from meeting to meeting but shall be a Member's employee in the case of HAL and Air Traffic Control, a Member's employee in the case of an Air Carrier and in the case of a representative organisation shall be an employee or Retained Representative or a member of that organisation;
- 5.4 In the case of an Air Carrier the Authorised Representative shall where practicable have responsibility for and experience of scheduling and shall preferably be the Member's delegate to the then most recent IATA Slot Conference or have knowledge and experience of operations at Heathrow ;
- 5.5 The Authorised Representative of an Air Carrier may bring to a Meeting as observers not more than two other employees or Retained Representatives of that Air Carrier and the Authorised Representative of a representative organisation may bring to a Meeting as observers not more than two representatives of that organisation;
- 5.6 The Authorised Representatives of HAL and Air Traffic Control may each bring to a Meeting as observers not more than three employees of their respective organisations;
- 5.7 The Committee may invite other persons to its meetings as observers at its discretion;
- 5.8 Each person at a Meeting shall if requested by the Chairman or the Secretary state the organisation they represent and in what capacity.

## **6. GENERAL MEETINGS OF THE COMMITTEE**

- 6.1 An Annual General Meeting shall be held at least once in each calendar year;
- 6.2 Extraordinary General Meetings may be held as and when business dictates;
- 6.3 Meetings shall generally be held at or near LHR in premises provided by HAL or at IATA Slot Conferences;
- 6.4 The Secretary shall give at least seven clear day's written notice of Meetings to each Member;
- 6.5 Each Annual General Meeting shall elect a Chairman and transact such other business as may from time to time be necessary;
- 6.6 The Chairman or five Members may in writing request a Meeting;
- 6.7 Within five working days of receiving a written request signed by the Chairman or by the Authorised Representatives of at least five Members giving reasons for the request, the Secretary shall call a Meeting;
- 6.8 If a Meeting is convened the Secretary shall give notice of the Meeting to the Department for Transport;
- 6.10 The quorum for a Meeting shall be the Authorised Representatives of the Airport Operator and at least five other Members;

6.11 The Committee may receive advice from whomever it wishes on any matters under consideration and shall establish such ad hoc rules of procedure as the Members present and voting at a meeting determine provided that such rules are consistent with this constitution.

## **7. COMPLAINTS AND PROBLEMS FOR NEW ENTRANTS**

7.1 The Committee may from time to time send to its Members, the Coordinator and other interested parties written procedural requirements approved by a majority of votes at a Meeting and consistent with this Constitution setting out the steps to be followed:-

- (a) Where complaints ("Slot Complaints") are made about the allocation of slots as provided for in Article 11 of the Regulation and
- (b) Where the Committee is required to advise on serious problems for new entrants as provided in Article 10(9) of the Regulation.

7.2 Where the Committee is notified of a Slot Complaint it shall not meet to consider the Slot Complaint unless

- The complainant has first made a written submission to the Coordinator setting out the reasons for the Slot Complaint and
- The Coordinator has responded in writing to that submission or has had a reasonable time to do so, and
- The complainant has not accepted the Coordinator's response where one has been made

7.3 At a Meeting to consider a Slot Complaint the complainant shall be entitled to attend the Meeting even if it is not a Member and (in addition to the Authorised Representatives of Members) the complainant and the Coordinator shall be entitled to address the Meeting.

7.4 Slot Complaints and problems for New Entrants will be considered in accordance with the procedures of Schedule 2.

7.5 The Committee shall not put any matter to a vote where it is required to give advice on a Slot Complaint or problems for New Entrants but shall ensure any advice given to the Coordinator sets out a fair summary of the feeling of the Meeting and of the views of any Members who dissent from the majority viewpoint;

7.6 The Secretary shall notify the complainant, the Department for Transport, and the Chairman of the Scheduling Committee of problems or complaints that remain unresolved after consideration by the Committee.

## **8. CHAIRMAN AND SECRETARY**

8.1 The Chairman shall be elected at each Annual General Meeting;

8.2 The Chairman shall hold office until the conclusion of the next Annual General Meeting after election and shall be eligible for re-election;

8.3 The Secretary shall be an employee of HAL but shall be a different person from HAL's Authorised Representative;

8.4 Nominations for Chairman must be made in writing and must be in the hands of the Secretary the day before the Annual General Meeting.

## **9. VOTING**

9.1 All questions arising at any meeting except for matters arising under clause 7 shall be decided by a majority of 55% or more the votes of those Members present and entitled to vote at the Meeting;

9.2 In the event of a vote there shall always be 1,000 votes and:-

- The Air Carriers present at the Meeting shall collectively have 800 votes
- The Airport Operator shall have 100 votes
- Air Traffic Control shall have 50 votes; and
- Any other organisations present at the meeting shall have 50 votes divided equally between each such organisation present;

9.3 The number of votes which each individual Air Carrier may exercise shall be calculated in accordance with Schedule 1 and shall total 800 votes unless the Airport Operator, Air Traffic Control or any other organisation fails to be present in which case their votes will belong to the Air Carriers;

9.4 The maximum number of votes for any given Air Carrier will be capped at 40% of the Air Carrier allocation. Any votes allocated to an Air Carrier in accordance with Schedule 1 that are in excess of the cap will be divided evenly amongst all other Air Carriers present at the Meetings;

9.5 In case of an equality of votes the Chairman shall have a casting vote;

9.6 Minutes shall be kept by the Committee and a proper record shall be kept of all proceedings resolutions the persons present and the capacity in which they attended the meeting.

## **10. SUB-COMMITTEES**

The Committee may appoint sub-committees.

## **11. STATUS**

The Committee is an unincorporated association.

## **12. ALTERATIONS TO THE CONSTITUTION**

12.1 Any alteration of this Constitution must be approved by at least two thirds of the votes cast at a Meeting specially called for that purpose; where the voting procedures are those set out in Clause 9.

12.2 Written requests for a Meeting to alter the Constitution must be received by the Secretary not less than fifteen clear days before the Meeting at which the alteration is to be considered;



12.3 At least ten clear working day's notice in writing of such a Meeting setting out the terms of the alteration to be proposed shall be sent by the Secretary to each Member.

**13. DISSOLUTION**

- 13.1 The Committee cannot be dissolved as long as the Regulation or any regulation replacing it that requires a Coordination Committee at LHR is in force;
- 13.2 If, once the Regulation or any regulation replacing it which requires a Coordination Committee at LHR has ceased to be in force at least two-thirds of those present and voting, in accordance with the procedure set out in Clause 9, at a Meeting may resolve to dissolve the Committee, the Committee shall thereupon be dissolved and the members shall have the power to dispose of any assets held by or on behalf of the Committee. Any assets remaining after the satisfaction of any proper debts and liabilities shall be distributed to the members of the Committee who are Air Carriers in equal shares.

**14. COSTS AND EXPENSES**

Whilst European Community legislation requires a Coordination Committee at LHR all reasonable and proper administration premises and catering expenses of the Committee shall be met by HAL.

**15. LANGUAGE**

The meetings of the Coordination Committee shall be conducted in English.



## **SCHEDULE 1**

### **VOTING PROCEDURE - AIR CARRIERS**

1. The following procedure shall apply where a vote is required.
2. On 1st March each year the Coordinator shall calculate the total number of current winter season and forthcoming summer season slots at LHR for each Air Carrier as identified in the computer system of Airport Coordination Limited.
3. The Chairman of the Meeting shall determine the 800 votes of the Air Carriers (plus any additional votes pursuant to clause 9.3) between them in proportion with the number of slots calculated under paragraph 2. Such a calculation may include fractions.
4. Should any Carrier exceed 40% of the Air Carriers allocation the Chairman will apply clause 9.4 and spread the excess votes by dividing them evenly across all other attending Air Carriers.
5. An Air Carrier may vote for itself in the election of Chairman.
6. Disputes about voting procedures or the number of votes a Member is entitled to cast shall be settled at the Meeting.

## SCHEDULE 2

### PROCEDURE IN MEDIATION OVER SLOT COMPLAINTS

1. When a complaint is made in accordance with Clause 7, the Committee will form a Mediation Sub-Committee.
2. The Mediation Sub-committee shall be chaired by the Chairman of the Coordination Committee and shall consist of the Airport Operator and at least 3 but no more than 5 representatives of the Scheduling Committee. The Secretary of the Coordination Committee shall act as the secretary of the Mediation Sub-Committee.
3. No party to the complaint may be a member of the Mediation Sub-Committee. If the Chairman is party to the complaint, then the Sub-Committee shall select an alternative chairman for the meeting.
4. The Mediation Sub-Committee shall meet within one month of receipt of a complaint that has met the requirements of Clause 7.
5. The Mediation Sub-Committee shall try to resolve the problem in accordance with the Regulation, the Worldwide Slot Guidelines issued from time to time by IATA, any Community-wide guidelines, and any local scheduling guidelines adopted by the Coordination Committee.
6. The complainant(s) and the Coordinator will have the right to attend and address the meeting.
7. The Sub-Committee shall not put any matter to a vote where it is required to give advice on a Slot Complaint or problems for New Entrants but shall ensure any advice given to the Coordinator sets out a fair summary of the feeling of the Meeting and of the views of any Members who dissent from the majority viewpoint.
8. The Secretary shall notify the complainant, the Department for Transport, and the Chairman of the Scheduling Committee of problems or complaints that remain unresolved after consideration by the Committee.