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2009 - 2014

Committee on Transport and Tourism

2011/0397(COD)

10.10.2012

AMENDMENTS 250 - 545

Draft report
Artur Zasada
(PE494.627v01-00)

Proposal for a regulation of the European Parliament and of the Council on groundhandling services at Union airports and repealing Council Directive 96/67/EC

Proposal for a regulation
(COM(2011)0824 – C7-0457/2011 – 2011/0397(COD))

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PE496.365v02-00

EN

United in diversity

EN

Amendment 250
Eva Lichtenberger

Proposal for a regulation
Article 14 – paragraph 11

Text proposed by the Commission

11. Exemptions granted by Member States under paragraphs (1) (b) and (c) may not exceed a duration of two years. However, a Member State may in accordance with the considerations referred to in paragraph (1), request that this period be extended by a single period of *two* years. The Commission shall decide on such a request. The implementing decision shall be adopted in accordance with the advisory procedure referred to in Article 43 (2).

Amendment

11. Exemptions granted by Member States under paragraphs (1) (b) and (c) may not exceed a duration of two years. However, a Member State may in accordance with the considerations referred to in paragraph (1), request that this period be extended by a single period of *five* years. The Commission shall decide on such a request. The implementing decision shall be adopted in accordance with the advisory procedure referred to in Article 43 (2).

Or. en

Amendment 251
Jacqueline Foster

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

The managing body of the airport shall organise a procedure for consultation on the application of this Regulation between itself, the Airport Users' Committee and the undertakings providing groundhandling services. This consultation shall cover, inter alia, the price of those groundhandling services for which an exemption has been granted pursuant to Article 14 (1) (b) and (c) and the organisation of the provision of those services. A consultation meeting shall be held at least once a year. The managing body of the airport shall make a record of that meeting which shall be sent to the

Amendment

deleted

Commission at its request.

Or. en

Amendment 252
Giommara Uggias

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

The managing body of the airport shall organise a procedure for consultation on the application of this Regulation between itself, the Airport Users' Committee and the undertakings providing groundhandling services. This consultation shall cover, inter alia, the price of those groundhandling services for which an exemption has been granted pursuant to Article 14 (1) (b) and (c) and the organisation of the provision of those services. A consultation meeting shall be held at least once a year. The managing body of the airport shall make a record of that meeting which shall be sent to the Commission at its request.

Amendment

The managing body of the airport shall organise a procedure for consultation on the application of this Regulation between itself, the Airport Users' Committee and the undertakings providing groundhandling services. This consultation shall cover, inter alia, the price of those groundhandling services for which an exemption has been granted pursuant to Article 14 (1) (b) and (c) and the organisation of the provision of those services. A consultation meeting shall be held at least once a year. The managing body of the airport shall make a record of that meeting which shall be sent to the Commission at its request. ***Trade union representatives shall have the right to attend these consultations as observers.***

Or. it

Amendment 253
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

The managing body of the airport shall organise a procedure for consultation on the application of this Regulation between itself, the Airport Users' Committee and the

Amendment

The managing body of the airport shall organise a procedure for consultation on the application of this Regulation between itself, the Airport Users' Committee and the

undertakings providing groundhandling services. This consultation shall cover, inter alia, the price of those groundhandling services for which an exemption has been granted pursuant to Article 14 (1) (b) **and (c)** and the organisation of the provision of those services. A consultation meeting shall be held at least once a year. The managing body of the airport shall make a record of that meeting which shall be sent to the Commission at its request.

undertakings providing groundhandling services. This consultation shall cover, inter alia, the price of those groundhandling services for which an exemption has been granted pursuant to Article 14 (1) (b) and the organisation of the provision of those services. A consultation meeting shall be held at least once a year. The managing body of the airport shall make a record of that meeting which shall be sent to the Commission at its request.

Or. de

Amendment 254
Sabine Wils

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

The managing body of the airport shall organise a procedure for consultation on the application of this Regulation between itself, the Airport Users' Committee and the undertakings providing groundhandling services. This consultation shall cover, inter alia, the price of those groundhandling services for which an exemption has been granted pursuant to Article 14 (1) (b) **and (c)** and the organisation of the provision of those services. A consultation meeting shall be held at least once a year. The managing body of the airport shall make a record of that meeting which shall be sent to the Commission at its request.

Amendment

The managing body of the airport shall organise a procedure for consultation on the application of this Regulation between itself, the Airport Users' Committee and the undertakings providing groundhandling services. This consultation shall cover, inter alia, the price of those groundhandling services for which an exemption has been granted pursuant to Article 14 (1) (b) and the organisation of the provision of those services. A consultation meeting shall be held at least once a year. The managing body of the airport shall make a record of that meeting which shall be sent to the Commission at its request. ***Staff and Trade Union representatives shall attend these meeting as observers.***

Or. en

Justification

Safeguarding the right to be informed and to contribute in building up decisions by underlining working conditions and quality of services.

Amendment 255
Jacqueline Foster

Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

General Consultation Process

Member States shall ensure that a procedure for consultation on the application of this Regulation between the managing body of the airport, the Airport Users' Committee and the undertakings providing groundhandling services is organised. This consultation shall cover, inter alia, the price of those groundhandling services for which an exemption has been granted pursuant to Article 14 (1) (b) and (c) and the organisation of the provision of those services.

A consultation meeting shall be held at least once a year. The managing body of the airport shall make a record of that meeting which shall be sent to the Commission at its request.

Or. en

Amendment 256
Jacqueline Foster

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Consultation on the selection of third party suppliers at airports with a limited number of suppliers

In accordance with this Regulation, Member States shall ensure that the tendering authority, consults the Airport Users' Committee and the managing body of the airport, if the latter is different from the tendering authority, on the establishment of minimum qualification criteria (Article 8(1)), the establishment of award criteria (Article 9(2)), and the award of an authorisation to a supplier pursuant to Article 9 (Article 9(1)).

Member States shall ensure that, wherever possible, decisions referred to in paragraph 1 are taken in agreement between the tendering authority, the Airport Users' Committee and the managing body of the airport, if the latter is different from the tendering authority. To that end, the tendering authority shall submit the proposed decisions and all necessary information to the airport users committee and the managing body of the airport, if it is different from the tendering authority, no later than six weeks before a final decision.

Where the Airport Users' Committee or the managing body of the airport, if the latter is different from the tendering authority, disagrees with the proposed criteria, it shall submit a justified recommendation to the tendering authority no later than four weeks after the submission of the proposed decision pursuant to paragraph 2.

The tendering authority shall justify its final decision with regard to the views of the airport users' committee and the managing body of the airport, if the latter is different from the tendering authority, in the event that no agreement on the proposed decision is reached between the parties.

Member States shall ensure that in the event of a disagreement over a decision

taken by the tendering authority, any party may seek the intervention of an independent supervisory authority which shall examine the justifications for the decision taken.

The decision of the tendering authority shall, if brought before the independent supervisory authority, not take effect until that authority has examined the matter. The independent supervisory authority shall, within four weeks of the matter being brought before it, take an interim decision on the entry into force of the decision, unless the final decision can be taken within the same deadline.

Or. en

Justification

The consultation process should require that the interested parties are notified sufficiently in advance and have the information necessary to give an informed opinion to the airport. Adequate consultation of airport users and undertakings providing groundhandling services is important as in many cases, the airport is also a provider of groundhandling services itself and may therefore have a conflict of interests.

Amendment 257
Jacqueline Foster

Proposal for a regulation
Article 15 b (new)

Text proposed by the Commission

Amendment

Article 15 b

Consultation on centralised infrastructure, rules of conduct and minimum quality standards

Consultation on centralised infrastructure, rules of conduct and minimum quality standards

In accordance with this Regulation, Member States shall ensure that the managing body of the airport consults the airport users' committee and undertaking

providing groundhandling services on infrastructures to be centralised (Article 27), the adoption of rules of conduct (Article 31), and the establishment of minimum quality standards (Article 32).

Member States shall ensure that, wherever possible, decisions referred to in paragraph 2 are taken in agreement between the managing body of the airport, the airport users' committee and undertakings providing groundhandling services. To that end, the managing body of the airport shall submit its proposed decisions and all necessary information to the Airport Users Committee and undertakings providing groundhandling services no later than six weeks before a final decision is taken.

Where the Airport Users' Committee or an undertaking providing groundhandling services disagrees with a proposed decision of the managing body of the airport, it shall submit a justified recommendation to the airport managing body no later than four weeks after the submission of the proposed decision referred to in paragraph 2.

The airport managing body shall justify its final decision with regard to the views of the Airport Users' Committee and undertakings providing groundhandling services in the event that no agreement on the proposed decision is reached between the parties.

Member States shall ensure that in the event of a disagreement over a decision taken by the airport managing body, any party may seek the intervention of an independent supervisory authority which shall examine the justifications for the decision taken.

A decision of the airport managing body shall, if brought before the independent supervisory authority, not take effect until that authority has examined the matter. The independent supervisory authority shall, within four weeks of the matter

being brought before it, take an interim decision on the entry into force of the decision, unless the final decision can be taken within the same deadline.

Or. en

Justification

The consultation process should require that the interested parties are notified sufficiently in advance and have the information necessary to give an informed opinion to the airport. Adequate consultation of airport users and undertakings providing groundhandling services is important as in many cases, the airport is also a provider of groundhandling services itself and may therefore have a conflict of interests.

Amendment 258
Giommaria Uggias

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. At airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years, no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Amendment

1. No undertaking shall be permitted to provide ground-handling services whether as a supplier of ground-handling services, ***a subcontractor*** or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Or. it

Amendment 259
Jim Higgins, Christine De Veyrac

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. ***At airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years, no*** undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Amendment

1. No undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user ***or as a sub-contractor*** unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Or. en

Justification

A level playing field is desirable, and so all airports should respect the approval criteria. It should apply to any undertaking, including sub-contractors.

Amendment 260
David-Maria Sassoli

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. ***At airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years, no*** undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Amendment

1. No undertaking shall be permitted to provide ground-handling services whether as a supplier of ground-handling services, ***a sub-contractor*** or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Or. it

Amendment 261
Eva Lichtenberger

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. At airports whose annual traffic has been not less than **2** million passenger movements or **50** 000 tonnes of freight for at least three consecutive years, no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Amendment

1. At airports whose annual traffic has been not less than **5** million passenger movements or **100** 000 tonnes of freight for at least three consecutive years, no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. ***This shall also apply to sub-contractors.*** An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Or. en

Amendment 262
Vilja Savisaar-Toomast

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. ***At airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years,*** no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Amendment

1. No undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services, ***a sub-contractor*** or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Or. en

Amendment 263
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. At airports whose annual traffic has been **not less than** 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years, **no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.**

Amendment

1. At airports whose annual traffic has been **over** 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years, **Member States may make the groundhandling activity of a supplier of groundhandling services or a self-handling user conditional upon obtaining an approval of a competent authority ('approving authority') independent of any airport managing body.**

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain.

Amendment 264
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. Each Member State shall designate a competent authority ('approving authority') independent of any managing body of the airport to be in charge of issuing approvals to provide groundhandling services.

Amendment

deleted

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain.

Amendment 265
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. The approving authority shall not grant approvals or maintain them in force where any of the requirements of this Chapter are not complied with. **deleted**

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain.

Amendment 266
Dieter-Lebrecht Koch

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. At airports whose annual traffic has been not less than **2** million passenger movements or **50 000** tonnes of freight for at least three consecutive years, no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a

1. At airports whose annual traffic has been not less than **5** million passenger movements or **100 000** tonnes of freight for at least three consecutive years, no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a

self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Or. de

Amendment 267
Georges Bach

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. ***At airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years,*** no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Amendment

1. No undertaking shall be permitted to provide ground-handling services whether as a supplier of ground-handling services, ***a sub-contractor*** or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Or. de

Amendment 268
Thomas Mann, Georges Bach

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. At airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years, no undertaking shall be permitted to provide groundhandling services whether as a

Amendment

1. At airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years, no undertaking shall be permitted to provide groundhandling services whether as a

supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval.

Subcontractors are also covered by this requirement and must be in possession of an approval that is accepted in all EU Member States. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval. ***However, account shall be taken of the provisions of Article 12 and, in particular, of Articles 34 and 40.***

Or. de

Justification

Articles 34 and 40 lay down basic minimum requirements which must be met, as non-compliance automatically leads to the withdrawal, suspension or withholding of the licence.

Amendment 269

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

1. At airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years, no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Amendment

1. At airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years, no undertaking shall be permitted to provide groundhandling services whether as a supplier of groundhandling services or as a self-handling user unless it has been granted the appropriate approval. ***This shall also apply to subcontractors.*** An undertaking meeting the requirements of this Chapter shall be entitled to receive an approval.

Or. de

Amendment 270
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

1. An undertaking shall be granted an approval by the approving authority of a Member State provided that:

Amendment

1. When a Member State, or where relevant any approving authority issues an approval, the criteria for such an approval must relate to the following:

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

Amendment 271
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission

(a) it is established and registered in a Member State;

Amendment

(a) compliance with or expected compliance with the requirements set out in this Regulation, and the national provisions of the Member State in which the applicant operates, concerning:

- i) environmental protection; and**
- ii) airport safety and security; including the safety and security of installations, aircraft, equipment and persons;**

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

Amendment 272
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) *its company structure allows the approving authority to implement the provisions of this Chapter;*

Amendment

(b) *compliance with financial conditions, including not being in insolvency or in similar proceedings or bankruptcy, demonstrated in particular by the submission of its audited accounts for the two previous financial years, where applicable, as well as having sustainable operations, demonstrated in particular by the submission of a business plan for at least, the first two years of operation;*

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

Amendment 273
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) it complies with the financial conditions specified in Article 18;

(c) proof of good repute, including a proof of having paid its taxes and social security contributions in the most recent year for the Member States where it carries out an activity, if any, or, in the case where an undertaking from a third country carries out no activity in the Union, for its country of origin;

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

Amendment 274

Thomas Mann, Georges Bach

Proposal for a regulation

Article 17 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) it complies with the requirements of Articles 12, 34 and 40. Failure to comply with the provisions of Articles 34 and 40 shall automatically lead to the withdrawal, suspension or withholding of the licence.

Or. de

Amendment 275

Jacqueline Foster

Proposal for a regulation

Article 17 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) it complies with the proof of good repute specified in Article 19;

(d) a staff policy that ensures that its current and future employees have the training and professional experience necessary for the performance of the activity it applies for.

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

**Amendment 276
Jacqueline Foster**

**Proposal for a regulation
Article 17 – paragraph 1 – point e**

Text proposed by the Commission

Amendment

(e) it complies with the qualification of staff requirement specified in Article 20;

deleted

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

**Amendment 277
Knut Fleckenstein**

Proposal for a regulation
Article 17 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

***(e a) it complies with the minimum
criteria for staff working conditions in
accordance with Article 8(2)(b);***

Or. de

Justification

The supplier should be obliged to apply the representative collective agreement in order to receive approval.

Amendment 278
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 1 – point f

Text proposed by the Commission

Amendment

***(f) it complies with the requirements as
regards an operations manual specified in
Article 21;*** ***deleted***

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

Amendment 279
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) it complies with the insurance requirements specified in Article 22.

deleted

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

Amendment 280
Inés Ayala Sender

Proposal for a regulation
Article 17 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) complies to the criteria of article 8 paragraph 2 b and article 9 d.

Or. en

Amendment 281
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. Paragraph (1) (a), (c), and (d) shall not apply to self-handling airport users which do not provide groundhandling services to third parties. Airport users that have been issued an approval for self-handling shall not be authorised to provide third-party handling on the basis of this approval.

deleted

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

Amendment 282

Jörg Leichtfried

Proposal for a regulation

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The labour and social provisions and collective agreements of the Member State in which self-handling takes place shall apply in the case of the staff of self-handling airport users.

Or. de

Amendment 283

Jacqueline Foster

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. An undertaking applying for an approval or having obtained an approval shall respect the national provisions concerning social protection, environmental protection and airport security of all Member States in which it operates.

deleted

Or. en

Justification

Mandatory economic licensing of groundhandlers (ownership, finances, fitness, insurance etc) is likely to be burdensome and costly for industry and regulators across Europe without clear gain. This proposed amendment provides for more general requirements to be met, where Member States may wish to licence groundhandlers, rather than the very specific requirements proposed by the Commission.

Amendment 284 **Jörg Leichtfried**

Proposal for a regulation **Article 17 – paragraph 3**

Text proposed by the Commission

3. An undertaking applying for an approval or having obtained an approval shall respect the national provisions concerning social protection, environmental protection and airport security of all Member States in which it operates.

Amendment

3. An undertaking applying for an approval or having obtained an approval shall respect the national provisions concerning social protection, environmental protection and airport security of all Member States in which it operates. ***It shall also respect the provisions of labour law (rules on working time, social security, employment arrangements and the right to terminate a contract).***

Or. de

Justification

Further clarification is required as to which provisions are meant; reference should be made to labour law provisions, with a specific mention of rules on working time, social security, employment arrangements and the right to terminate a contract.

Amendment 285 **Inés Ayala Sender**

Proposal for a regulation **Article 17 – paragraph 3**

Text proposed by the Commission

3. An undertaking applying for an approval or having obtained an approval shall

Amendment

3. An undertaking applying for an approval or having obtained an approval shall

respect the national provisions concerning social protection, environmental protection and airport security of all Member States in which it operates.

respect the national provisions concerning social protection- ***including the criteria of article 8 paragraph 2 b and article 9 d***, environmental protection and airport security of all Member States in which it operates.

Or. en

Amendment 286
Jacqueline Foster

Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

General requirement regarding financial fitness included in proposed amendment to Article 17.

Amendment 287
Jörg Leichtfried

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. For the purposes of the assessment referred to in paragraph (1), each applicant shall submit its audited accounts for the two previous financial years.

3. For the purposes of the assessment referred to in paragraph (1), each applicant shall submit its audited accounts for the two previous financial years. ***The approving authority shall establish the form in which documents are to be submitted.***

Or. de

Justification

The applicant must submit its audited accounts for the two previous financial years. Bearing in mind that there are very different approaches as regards cost accounting and accounting in the aviation sector, it should also be stipulated that the approving authority will establish the form in which documents are to be submitted.

Amendment 288
Jacqueline Foster

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Proof of good repute

1. An undertaking applying for an approval shall provide a proof of having paid its taxes and social security contributions in the most recent year, for the Member States where it carries out an activity or, in the case where it carries out no activity in the Union, for its country of origin.

2. The undertaking shall also provide proof that the persons who will continuously and effectively manage the operations of the undertaking are of good repute or that they have not been declared bankrupt. The approving authority shall accept as sufficient evidence in respect of nationals of Member States the production of documents issued by the competent authorities in the Member State where the undertaking is established and registered or the Member State where the person has his/her permanent residence, and showing that those requirements are met.

3. Where the Member State where the undertaking is established and registered or the Member State where the person has his/her permanent residence does not issue the documents referred to in paragraph (2), such documents shall be

replaced by a declaration on oath or - in Member States where there is no provision for declaration on oath - by a solemn declaration made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the Member State where the undertaking is established and registered or the Member State where the person has his/her permanent residence. Such authority, notary or qualified professional body shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

Or. en

Justification

General requirement regarding financial fitness included in proposed amendment to Article 17.

Amendment 289
Jörg Leichtfried

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the Member State where the undertaking is established and registered or the Member State where the person has his/her permanent residence does not issue the documents referred to in paragraph (2), such documents shall be replaced by a declaration on oath or — in Member States where there is no provision for declaration on oath — by a solemn declaration made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the Member State

deleted

where the undertaking is established and registered or the Member State where the person has his/her permanent residence. Such authority, notary or qualified professional body shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

Or. de

Justification

A declaration on oath or solemn declaration is not sufficient in the event that a Member State does not issue the relevant documents, since abuse cannot be ruled out. Paragraph 3 should therefore be deleted.

Amendment 290
Jacqueline Foster

Proposal for a regulation
Article 20

Text proposed by the Commission

Amendment

Qualification of staff

deleted

An undertaking applying for an approval shall demonstrate that its employees have the qualification, professional experience and length of service necessary for the performance of the activity it applies for.

Or. en

Justification

General requirement regarding financial fitness included in proposed amendment to Article 17.

Amendment 291
Jörg Leichtfried

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

An undertaking applying for an approval shall demonstrate that its employees have the qualification, professional experience and length of service necessary for the performance of the activity it applies for.

Amendment

(Does not affect English version.)

Or. de

Justification

(Does not affect English version.)

Amendment 292
Jörg Leichtfried

Proposal for a regulation
Article 20 – paragraph 1 – point 1 (new)

Text proposed by the Commission

Amendment

(1) The qualification to be demonstrated in accordance with paragraph 1 shall include at least three years of professional practice and a successfully completed examination. This examination shall require a demonstration of theoretical and practical knowledge.

Or. de

Justification

The qualification should at least include the requirements of the German regulations for the profession of certified aircraft handler. The high level of quality required in the aviation sector can be attained and social dumping and safety risks avoided only if a high standard of training is guaranteed.

Amendment 293
Jörg Leichtfried

Proposal for a regulation
Article 20 – paragraph 1 – point 2 (new)

Text proposed by the Commission

Amendment

(2) The theoretical knowledge required for the examination pursuant to paragraph 2 shall include:

- provisions of aviation law and other rules***
- security arrangements***
- accident prevention rules and environmental protection***
- labour and social provisions***
- study of aircraft***

Or. de

Justification

The qualification should at least include the requirements of the German regulations for the profession of certified aircraft handler. The high level of quality required in the aviation sector can be attained and social dumping and safety risks avoided only if a high standard of training is guaranteed.

Amendment 294
Jörg Leichtfried

Proposal for a regulation
Article 20 – paragraph 1 – point 3 (new)

Text proposed by the Commission

Amendment

(3) The practical knowledge required for the examination pursuant to paragraph 2 shall include:

- guiding and securing aircraft***
- dispatching aircraft***
- using the equipment and vehicles required for dispatching aircraft***
- baggage handling***

Justification

The qualification should at least include the requirements of the German regulations for the profession of certified aircraft handler. The high level of quality required in the aviation sector can be attained and social dumping and safety risks avoided only if a high standard of training is guaranteed.

Amendment 295
Jacqueline Foster

Proposal for a regulation
Article 21

Text proposed by the Commission

Amendment

Manual of operations

deleted

An undertaking applying for an approval shall provide a manual of operations for the relevant activities which shall contain the following information:

(a) organization chart, management personnel, description of responsibilities and duties, accountability;

(b) capacity to operate safely in an airport context;

(c) equipment policy;

(d) qualification requirements for personnel as well as corresponding training requirements and training plan;

(e) safety and quality management procedures;

(f) standard handling procedures, including coordination with airport users and airport managing bodies, coordination of activities and specific handling procedures related to specific customers;

(g) emergency response policy;

(h) security management procedures.

Or. en

Justification

General requirement regarding financial fitness included in proposed amendment to Article 17.

Amendment 296
Sabine Wils

Proposal for a regulation
Article 21 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) equipment policy;

(c) equipment policy, *including adequate resources to provide maintenance and investment policies*;

Or. en

Justification

Equipment policy must not be separate from the availability of adequate resources to be invested by the supplier to ensure reliable maintenance and upgrading in the used equipment.

Amendment 297
Inés Ayala Sender

Proposal for a regulation
Article 21 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) procedures to prevent work-related accidents and injuries

Or. en

Amendment 298
Sabine Wils

Proposal for a regulation
Article 21 – paragraph 1 – point e

Text proposed by the Commission

(e) safety and quality management procedures;

Amendment

(e) safety and quality management procedures, ***including procedures to prevent work-related accidents and injuries***;

Or. en

Justification

A prevention policy is a key factor of an effective safety management policy.

Amendment 299
Jacqueline Foster

Proposal for a regulation
Article 22

Text proposed by the Commission

Insurance requirements

1. Suppliers of groundhandling services and self-handling airport users in the Union shall be insured in respect of their groundhandling-specific liability for damage caused on the territory of a Member State and for which a right to compensation exists.

2. The Commission shall be empowered to specify further details on the insurance requirements and minimum amounts by means of a delegated act in accordance with Article 42.

Amendment

deleted

Or. en

Justification

Insurance for groundhandling suppliers does not need to be mandated by the proposed Regulation. This is something for airlines (which have the contractual relationship with groundhandlers) and airports (the licensing body) to satisfy themselves about as part of their own due diligence in their relationships with groundhandling suppliers. Further powers for the Commission to impose insurance requirements are not required.

Amendment 300
Jörg Leichtfried

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission

2. The Commission shall ***be empowered to*** specify further details on the insurance requirements and minimum amounts by means of a delegated act in accordance with Article 42.

Amendment

2. The Commission shall specify further details on the insurance requirements and minimum amounts by means of a delegated act in accordance with Article 42.

Or. de

Justification

The Commission should commit itself to specifying further details rather than proposing that it may do so.

Amendment 301
Michel Dantin

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

Point of contact at airports

At airports whose annual traffic volume is more than 2 million passenger movements, any airline using the groundhandling services provided at an airport must be present at that airport, or

legally represented there by a contact person able to take immediate decisions in the event of disruption, so that it can deal straightaway with a groundhandling problem which affects it or play an effective part in managing any problem relating to the provision of groundhandling services at the airport in question.

Or. fr

Justification

The establishment by airlines of a point of contact at the airports where they operate would enable crises related to groundhandling services to be managed more effectively. This proposal has already been incorporated into Parliament's own-initiative report on the rights of people travelling by air (2011/2150(INI)).

Amendment 302 Jacqueline Foster

Proposal for a regulation Article 23

Text proposed by the Commission

Amendment

Validity of an approval

deleted

- 1. An approval shall be valid for a period of five years.*
- 2. An approval shall be valid for the categories and/or subcategories specified in the approval.*
- 3. The supplier of groundhandling services shall at all times be able upon request to demonstrate to the competent approving authority that it meets all the requirements of this Chapter.*
- 4. The approving authority shall monitor compliance with the requirements of this Chapter. It shall in any case review compliance with these requirements in the following cases:*
 - (a) when a potential problem is suspected;*

or

(b) at the request of an approving authority of another Member State; or

(c) at the request of the Commission.

5. The approval shall be resubmitted for a new approval when a groundhandling undertaking:

(a) has not started operations within twelve months of the granting of an approval; or

(b) has ceased its operations for more than twelve months.

6. A groundhandling undertaking shall notify the approving authority:

(a) in advance of any substantial change in the scale of its activities;

(b) In case an insolvency procedure is initiated for the undertaking.

Or. en

Justification

General requirement regarding approvals included in proposed amendment to Article 17 and in proposed new Article 25.

Amendment 303

Wolf Klinz

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

1. An approval shall be valid for a period of **five** years.

Amendment

1. An approval shall be valid for a period of **seven** years.

Or. de

Amendment 304

Thomas Mann, Georges Bach

Proposal for a regulation
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The validity of the approval shall expire or be suspended in the event of failure to comply with the provisions of Articles 34 and 40. Failure to comply with the provisions of Articles 34 and 40 during the approval procedure shall lead to approval being withheld.

Or. de

Amendment 305
Jörg Leichtfried

Proposal for a regulation
Article 23 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) at the request of an approving authority of another Member State; **or**

(b) at the request of an approving authority of another Member State;

Or. de

Amendment 306
Sabine Wils

Proposal for a regulation
Article 23 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) at the request of the staff and Trade Union representatives; or

Or. en

Justification

Trade Union and staff representatives could be involved in reviewing compliance with their own competences regarding safety and quality of working conditions.

Amendment 307

Jörg Leichtfried

Proposal for a regulation

Article 23 – paragraph 4 – point c

Text proposed by the Commission

(c) at the request of the Commission.

Amendment

(c) at the request of the Commission; **or**

Or. de

Amendment 308

Jörg Leichtfried

Proposal for a regulation

Article 23 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(c a) on the initiative of an authority.

Or. de

Amendment 309

Sabine Wils

Proposal for a regulation

Article 23 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(b a) in case of severe contraventions of labour or safety laws as well as of representative collective agreements.

Or. en

Justification

Reference to severe contraventions to labour or safety laws shall be notified as soon as possible.

Amendment 310
Jacqueline Foster

Proposal for a regulation
Article 24

Text proposed by the Commission

Amendment

Revocation of approval

deleted

1. The approving authority may at any time revoke the approval if the supplier of groundhandling services or the self-handling airport user does not meet, for reasons of its own doing, the criteria laid down in this Chapter. The grounds for revocation shall be communicated to the supplier or the self-handling airport user concerned and to the approving authorities in the other Member States.

2. The approving authority shall revoke the approval if the supplier of groundhandling services knowingly or recklessly furnishes the approving authority with false information on an important point.

Or. en

Justification

Revocation of licences should be a commercial matter for the entities concerned and does not need to be regulated.

Amendment 311
Thomas Mann, Georges Bach

Proposal for a regulation
Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Failure to comply with the provisions of Articles 34 and 40 shall automatically lead to the withdrawal, suspension or withholding of the approval.

Or. de

Amendment 312
Jörg Leichtfried

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

Amendment

1. The approving authority shall take a decision on an application as soon as possible, and not later than two months after all the necessary information has been submitted, taking into account all available evidence. The decision shall be communicated to the applicant and to the approving authorities in the other Member States. A refusal shall indicate the reasons therefore.

1. The approving authority shall take a decision on an application as soon as possible, and not later than two months after all the necessary information has been submitted, taking into account all available evidence. The decision shall be communicated to the applicant and to the approving authorities in the other Member States. A refusal shall indicate the reasons therefore. ***The trade unions and employees' representatives shall be heard before a decision on approval is taken.***

Or. de

Justification

The approving authority takes all the facts into account when taking a decision on an application. Some information on an applicant's reliability is available only to the trade unions and employees' representatives, and it would therefore be appropriate and useful to hear them before any decision on approval is taken. Such a right to be heard should be enshrined in the regulation.

Amendment 313
Jacqueline Foster

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. The *approving authority shall take a decision on an application as soon as possible, and not later than two months after all the necessary information has been submitted, taking into account all available evidence. The decision shall be communicated to the applicant and to the approving authorities in the other Member States. A refusal shall indicate the reasons therefore.*

Amendment

1. The *procedure for granting approvals shall be transparent, non-discriminatory, and may not, in practice, reduce market access or the freedom to self-handle to a level below that provided for in this Regulation.*

Or. en

Justification

To ensure a transparent and unburdensome procedure for granting approvals.

Amendment 314
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The procedure for granting approvals shall be transparent and non-discriminatory and may not go beyond the provisions of this Regulation in restricting market access or the freedom to self-handle.

Or. de

Amendment 315
Thomas Mann, Georges Bach

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. The approval may be withheld only if the supplier of groundhandling services or self-handling airport user does not meet, for reasons of his own doing, the criteria referred to in this Chapter.

Amendment

2. The approval may be withheld only if the supplier of groundhandling services or self-handling airport user does not meet, for reasons of his own doing, the criteria referred to in this Chapter **and the provisions of Articles 34 and 40.**

Or. de

Amendment 316
Jacqueline Foster

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. The **approval may be withheld only if the supplier of groundhandling services or self-handling airport user does not meet, for reasons of his own doing, the criteria referred to in this Chapter.**

Amendment

2. The **approving authority shall take a decision on an application as soon as possible, and not later than two months after all the necessary information has been submitted, taking into account all available evidence. The decision shall be communicated to the applicant and to the approving authorities in the other Member States. A refusal shall indicate the reasons therefore.**

Or. en

Justification

To ensure a transparent and unburdensome procedure for granting approvals.

Amendment 317
Jacqueline Foster

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. The procedures *for granting and revoking* approvals shall be made public by the approving authority, *which shall inform the Commission thereof*.

3. The procedures *and the list of issued* approvals shall be made public by the approving authority.

Or. en

Justification

To ensure a transparent and unburdensome procedure for granting approvals.

Amendment 318

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. The managing body of the airport shall publish a list of the centralised infrastructures at the airport.

2. The managing body of the airport shall publish a list of the centralised infrastructures at the airport *where this has not yet been done*.

Or. de

Justification

This paragraph suggests that airports were not previously required to publish a list of centralised infrastructure. This is not the case. Centralised infrastructure was 'invented' in Directive 96/67, and the information was published a long time ago.

Amendment 319

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 27 – paragraph 4

Text proposed by the Commission

Amendment

4. The managing body of the airport, *or*

4. The managing body of the airport shall

*where appropriate the public authority or any other body which controls the managing body of the airport, shall decide on an objective basis and after consulting the Airport Users' Committee **and the undertakings providing groundhandling services at the airport,** on infrastructures to be centralised. The managing body of the airport, **or where appropriate the public authority or any other body which controls the managing body of the airport,** shall ensure that any infrastructure or installation falling under the definition of 'centralised infrastructure' shall be designated as such and that the requirements set out in this Chapter are complied with for this infrastructure or installation.*

decide on an objective basis and after consulting the Airport Users' Committee on **additional** infrastructures to be centralised. The managing body of the airport shall ensure that any infrastructure or installation falling under the definition of 'centralised infrastructure' shall be designated as such and that the requirements set out in this Chapter are complied with for this infrastructure or installation.

Or. de

Justification

There is no point in redefining installations that have been established for years, and such a requirement would merely give rise to a significant administrative burden. In view of the changing suppliers, consultation should be restricted to the Airport Users' Committee, as otherwise fresh consultations would need to be held following every change in supplier. The Regulation does not clearly establish who is to decide which installations are to be considered centralised infrastructure.

Amendment 320

Thomas Mann, Georges Bach

Proposal for a regulation

Article 27 – paragraph 5

Text proposed by the Commission

5. Where the Airport Users' Committee disagrees with the decision of the managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority of the Member State concerned to decide whether the infrastructure concerned is to

Amendment

5. Where the Airport Users' Committee disagrees with the decision of the managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority **or the corresponding competent bodies** of the Member State concerned to decide whether

be centralised or not and to what extent.

the infrastructure concerned is to be centralised or not and to what extent.

Or. de

Amendment 321
David-Maria Sassoli

Proposal for a regulation
Article 27 – paragraph 5

Text proposed by the Commission

5. Where the Airport Users' Committee disagrees with the decision of the managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority of the Member State concerned to ***decide whether the infrastructure concerned is to be centralised or not and to what extent.***

Amendment

5. Where the Airport Users' Committee disagrees with the decision of the managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority of the Member State concerned to ***examine the grounds for the decision taken by the managing body of the airport.***

Or. it

Amendment 322
Jim Higgins

Proposal for a regulation
Article 27 – paragraph 5

Text proposed by the Commission

5. Where the Airport Users' Committee disagrees with the decision of the managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority of the Member State concerned to ***decide whether the infrastructure concerned is to be centralised or not and to what extent.***

Amendment

5. Where the Airport Users' Committee disagrees with the decision of the managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority of the Member State concerned to ***examine the justification for the decision taken by the managing body of the airport, to see whether or not the justification is valid.***

Or. en

Justification

The supervisory authority should be limited to verifying the justifications and deciding whether they stand or not.

Amendment 323

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 27 – paragraph 5

Text proposed by the Commission

5. Where the Airport Users' Committee disagrees with the decision of the managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority of the Member State concerned to decide whether the infrastructure concerned is to be centralised or not and to what extent.

Amendment

5. Where the Airport Users' Committee disagrees with the decision of the managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority of the Member State concerned ***or the authorities established in accordance with Articles 6(5) and 11(2) of the Airport Charges Directive*** to decide whether the infrastructure concerned is to be centralised or not and to what extent.

Or. de

Justification

This paragraph takes no account of the opt-out arrangement provided in Article 6(5) of the Airport Charges Directive. Germany does not have an independent supervisory authority. Provision should therefore be made for the possibility of delegating to other national supervisory authorities.

Amendment 324

Vilja Savisaar-Toomast

Proposal for a regulation

Article 27 – paragraph 5

Text proposed by the Commission

5. Where the Airport Users' Committee disagrees with the decision of the

Amendment

5. Where the Airport Users' Committee disagrees with the decision of the

managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority of the Member State concerned to ***decide whether the infrastructure concerned is to be centralised or not and to what extent.***

managing body of the airport to centralise, or not to centralise, an infrastructure or with the scope of centralisation, it may ask the independent supervisory authority of the Member State concerned to ***examine the justifications of the decision taken by the managing body of the airport.***

Or. en

Amendment 325
Sabine Wils

Proposal for a regulation
Article 27 – paragraph 6

Text proposed by the Commission

6. Suppliers of groundhandling services and self-handling airport users shall have open access to airport infrastructures, centralised infrastructures and airport installations to the extent necessary to enable them to carry out their activities. The managing body of the airport or, where relevant, the managing body of the centralised infrastructure or, where appropriate, the public authority or any other body which controls the managing body of the airport or, where relevant, the managing body of the centralised infrastructure may make this access subject to conditions that are relevant, objective, transparent and non-discriminatory.

Amendment

6. Suppliers of groundhandling services and self-handling airport users shall have open access to airport infrastructures, centralised infrastructures and airport installations to the extent necessary to enable them to carry out their activities. The managing body of the airport or, where relevant, the managing body of the centralised infrastructure or, where appropriate, the public authority or any other body which controls the managing body of the airport or, where relevant, the managing body of the centralised infrastructure may make this access subject to conditions that are relevant, objective, transparent and non-discriminatory. ***This responsibility also covers the proper implementation of occupational health and safety regulations applying to all infrastructures and installations.***

Or. en

Justification

While granting access to infrastructures and installations relevant for the supplier's activity the managing body of the airport or the managing body responsible for the centralised installations should grant that the related safety and health regulations apply.

Amendment 326
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 27 – paragraph 7

Text proposed by the Commission

7. The space available for groundhandling at an airport shall be divided among the various suppliers of groundhandling services and self-handling airport users, including new entrants, to the extent necessary for the exercise of their rights and to allow effective and fair competition, on the basis of relevant, objective, transparent and non-discriminatory rules and criteria.

Amendment

7. The space available for groundhandling at an airport shall be divided among the various suppliers of groundhandling services and self-handling airport users, including new entrants, to the extent necessary for the exercise of their rights and to allow effective and fair competition, on the basis of relevant, objective, transparent and non-discriminatory rules and criteria. ***Where necessary, the managing body of the airport may recover and redistribute this space.***

Or. de

Amendment 327
David-Maria Sassoli

Proposal for a regulation
Article 27 – paragraph 8

Text proposed by the Commission

8. If a decision on the scope of the centralised infrastructure is brought before the independent supervisory authority in line with paragraph (5) of this Article, the procedure laid down in Article 6 of Directive 2009/12/EC shall apply.

Amendment

deleted

Or. it

Amendment 328
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 27 – paragraph 8

Text proposed by the Commission

8. If a decision on the scope of the centralised infrastructure is brought before the independent supervisory authority in line with paragraph (5) of this Article, the procedure laid down in Article 6 of Directive 2009/12/EC shall apply.

Amendment

8. If a decision on the scope of the centralised infrastructure is brought before the independent supervisory authority in line with paragraph (5) of this Article, the procedure laid down in Article 6(3), (4) or (5) of Directive 2009/12/EC shall apply.

Or. de

Justification

Europe-wide application means that the wording must be legally unambiguous.

Amendment 329
Vilja Savisaar-Toomast

Proposal for a regulation
Article 27 – paragraph 8

Text proposed by the Commission

8. If a **decision** on the scope of the centralised infrastructure is brought before the independent supervisory authority in line with paragraph (5) of this Article, the procedure laid down in Article 6 of Directive 2009/12/EC shall apply.

Amendment

8. If a **disagreement** on the scope of the centralised infrastructure is brought before the independent supervisory authority in line with paragraph (5) of this Article, the procedure laid down in Article 6 **and Article 11** of Directive 2009/12/EC shall apply.

Or. en

Amendment 330
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 28 – title

Text proposed by the Commission

Amendment

Fees for centralised infrastructures and installations

Fees for centralised infrastructures and installations ***and airport installations***

Or. de

Justification

Paragraph 2 establishes the criteria according to which fees are set for the use of centralised infrastructures or airport installations. This means that, in contrast to what the title suggests, this article also concerns the fees that airports levy on third-party suppliers for the shared use of airport infrastructure. This must be indicated clearly and unambiguously.

Amendment 331
Eva Lichtenberger

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

Amendment

1. This Article shall apply only to airports whose annual traffic has been not less than **2** million passenger movements or **50 000** tonnes of freight at least the previous three years.

1. This Article shall apply only to airports whose annual traffic has been not less than **5** million passenger movements or **100 000** tonnes of freight at least the previous three years.

Or. en

Amendment 332
David-Maria Sassoli

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the use of the centralised infrastructures ***or airport installations*** is subject to a fee, the managing body of the airport or, where relevant, the managing body of the centralised infrastructure shall ensure that the level of fee is set out on the

2. Where the use of the centralised infrastructures is subject to a fee, the managing body of the airport or, where relevant, the managing body of the centralised infrastructure shall ensure that the level of fee is set out on the basis of

basis of relevant, objective, transparent and non-discriminatory criteria.

relevant, objective, transparent and non-discriminatory criteria.

Or. it

Amendment 333

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 28 – paragraph 3

Text proposed by the Commission

3. The managing body of the airport or, where relevant, the managing body of the centralised infrastructure shall be entitled to recover its costs and to make a reasonable return on assets from the fees charged. The fees shall constitute consideration for a service.

Amendment

3. The managing body of the airport or, where relevant, the managing body of the centralised infrastructure shall be entitled to recover its costs and to make a reasonable return on assets from the fees charged. The fees shall constitute consideration for ***infrastructure or*** a service.

Or. de

Amendment 334

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 28 – paragraph 3

Text proposed by the Commission

3. The managing body of the airport or, where relevant, the managing body of the centralised infrastructure shall be entitled to recover its costs and to make a reasonable return on assets from the fees charged. ***The fees shall constitute consideration for a service.***

Amendment

3. The managing body of the airport or, where relevant, the managing body of the centralised infrastructure shall be entitled to recover its costs and to make a reasonable return on assets from the fees charged.

Or. de

Justification

The use of centralised infrastructure such as bridges is not a service provided by the airport. This also holds for the use of other airport installations.

Amendment 335
David-Maria Sassoli

Proposal for a regulation
Article 28 – paragraph 4 – point d

Text proposed by the Commission

(d) the revenue from the different fees, the total cost of the services covered by them **and the return on assets**;

Amendment

(d) the revenue from the different fees **and** the total cost of the service covered by them;

Or. it

Amendment 336
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 28 – paragraph 4 – point d

Text proposed by the Commission

(d) the revenue from the different fees, the total cost of the services covered by them **and the return on assets**;

Amendment

(d) the revenue from the different fees **and** the total cost of the services covered by them;

Or. de

Justification

Paragraph 4(d) provides that information is also to be supplied on the return on assets. This goes beyond the provisions of the Airport Charges Directive.

Amendment 337
David-Maria Sassoli

Proposal for a regulation
Article 28 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) Where use of airport installations other than those defined as centralised infrastructures gives rise to a fee, the amount thereof shall be determined on the basis of objective, transparent and non-discriminatory criteria. Member States are free to allow the managing body of the airport to apply a common and transparent charging system, as set out in Directive 2009/12/EC.

Or. it

Amendment 338

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 28 – paragraph 5

Text proposed by the Commission

Amendment

5. The managing body of the airport shall publish the levels of fees, including a detailed list of the services provided, so as to demonstrate that any fees collected for the provision of centralised infrastructures, space for groundhandling and essential services related to the provision of groundhandling services are exclusively used to recover all or part of the related costs. Where relevant, the managing body of the centralised infrastructure shall communicate the levels of fees, including a detailed list of the services provided, to the managing body of the airport.

deleted

Or. de

Justification

The provision of centralised infrastructure and space for groundhandling is not a service. Furthermore, the notion of a 'detailed list' is not appropriate for a rule that is to apply across

Europe. This is also an unnecessary duplication, since paragraph 4 already contains comprehensive provisions on the documents and information to be supplied.

Amendment 339
Jim Higgins

Proposal for a regulation
Article 28 – paragraph 5

Text proposed by the Commission

5. The managing body of the airport shall publish the levels of fees, including a detailed list of the services provided, so as to demonstrate that any fees collected for the provision of centralised infrastructures, ***space for groundhandling and essential services related to the provision of groundhandling services*** are exclusively used to recover all or part of the related costs. Where relevant, the managing body of the centralised infrastructure shall communicate the levels of fees, including a detailed list of the services provided, to the managing body of the airport.

Amendment

5. The managing body of the airport shall publish the levels of fees, including a detailed list of the services provided, so as to demonstrate that any fees collected for the provision of centralised infrastructures, are exclusively used to recover all or part of the related costs. Where relevant, the managing body of the centralised infrastructure shall communicate the levels of fees, including a detailed list of the services provided, to the managing body of the airport.

Or. en

Justification

A sub-division of the airports cost base may in fact be impossible or inefficient, given the human resources required to identify each individual factor which makes up the cost of provision of the services provided. The added-value of such a process is difficult to justify.

Amendment 340
Jim Higgins

Proposal for a regulation
Article 28 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Where the use of airport installations, other than those defined as centralised infrastructure, gives rise to the collection

of a fee, the latter shall be determined according to relevant, objective, transparent and non-discriminatory criteria. Member States shall remain free to allow the airport managing body of an airport network, as per the definitions of EU 2009/12/EC to apply a common, transparent charging system.

Or. en

Justification

Care should be taken so this regulation is aligned with the Directive of 2009/12/EC, which deals with airport charges.

Amendment 341
Thomas Mann, Georges Bach

Proposal for a regulation
Article 28 – paragraph 6

Text proposed by the Commission

6. Where the Airport Users' Committee disagrees with a fee set by the managing body of the airport or, where relevant, the managing body of the centralised infrastructure, it may ask the independent supervisory authority of the Member State concerned to decide on the level of the fee.

Amendment

6. Where the Airport Users' Committee disagrees with a fee set by the managing body of the airport or, where relevant, the managing body of the centralised infrastructure, it may ask the independent supervisory authority ***or the corresponding competent bodies*** of the Member State concerned to decide on the level of the fee.

Or. de

Amendment 342
David-Maria Sassoli

Proposal for a regulation
Article 28 – paragraph 6

Text proposed by the Commission

6. Where the Airport Users' Committee

Amendment

6. Where the Airport Users' Committee

disagrees with a fee set by *the managing body of the airport or, where relevant*, the managing body of the centralised infrastructure, it may ask the independent supervisory authority of the Member State concerned to *decide on* the level of the fee.

disagrees with a fee set by the managing body of the centralised infrastructure, it may ask the independent supervisory authority of the Member State concerned to *examine the grounds for the change in* the level of the fee.

Or. it

Amendment 343

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 28 – paragraph 6

Text proposed by the Commission

6. Where the Airport Users' Committee disagrees with a fee set by the managing body of the airport or, where relevant, the managing body of the centralised infrastructure, it may ask the independent supervisory authority of the Member State concerned to decide on the level of the fee.

Amendment

6. Where the Airport Users' Committee disagrees with a fee set by the managing body of the airport or, where relevant, the managing body of the centralised infrastructure, it may ask the independent supervisory authority of the Member State concerned *or the authorities established in accordance with Articles 6(5) and 11(2) of the Airport Charges Directive* to decide on the level of the fee.

Or. de

Justification

The provision laid down in paragraph 6 takes no account of the opt-out arrangement provided in Article 6(5) of the Airport Charges Directive. In Germany, airport charges are approved by the regional aviation authority. There is no independent supervisory authority. Provision should therefore be made for the possibility of delegating to other national supervisory authorities.

Amendment 344

Jim Higgins

Proposal for a regulation

Article 28 – paragraph 7

Text proposed by the Commission

Amendment

7. If a decision on the levels of fees is brought before the independent supervisory authority in line with paragraph (6) of this Article, ***the procedure laid down in Article 6 of Directive 2009/12/EC shall apply.***

7. If a decision on the levels of fees is brought before the independent supervisory authority in line with paragraph (6) of this Article, ***it shall not take effect until the independent supervisory authority has examined the matter. If the independent supervisory authority agrees with the decision by the infrastructure's managing body on the level of ground handling fees, then the fees may be recouped from the time the initial decision was made.***

Or. en

Justification

Vexatious challenges could be raised to postpone the application of the charge. It is essential that airport authorities can recoup the monies for the time elapsed while the appeal was being processed.

Amendment 345
David-Maria Sassoli

Proposal for a regulation
Article 28 – paragraph 7

Text proposed by the Commission

Amendment

7. If a ***decision*** on the levels of fees is brought before the independent supervisory authority in line with paragraph *paragraph* (6) of this Article, the procedure laid down in Article 6 of Directive 2009/12/EC shall apply.

7. If a ***disagreement*** on the levels of fees is brought before the independent supervisory authority in line with paragraph (6) of this Article, the procedure laid down in Article 6 of Directive 2009/12/EC shall apply.

Or. it

Amendment 346
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 28 – paragraph 7

Text proposed by the Commission

7. If a decision on the levels of fees is brought before the independent supervisory authority in line with paragraph paragraph (6) of this Article, the procedure laid down in Article 6 of Directive 2009/12/EC shall apply.

Amendment

7. If a decision on the levels of fees is brought before the independent supervisory authority in line with paragraph paragraph (6) of this Article, the procedure laid down in Article 6**(3), (4) or (5)** of Directive 2009/12/EC shall apply.

Or. de

Justification

Europe-wide application means that the wording must be legally unambiguous.

Amendment 347
Eva Lichtenberger

Proposal for a regulation
Article 29

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 348
Sabine Wils

Proposal for a regulation
Article 29

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Justification

No need to introduce additional administrative burdens.

Amendment 349
Inés Ayala Sender

Proposal for a regulation
Article 29

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 350
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 29

Text proposed by the Commission

Amendment

[...]

deleted

Or. de

Justification

This provision represents a far-reaching intervention in the organisational structure of airports. The Commission justifies the mandatory legal separation with a supposition. It supposes that groundhandling services provided by the airport unduly benefit from its airport management activities. This supposition is not backed up by any evidence. There is already a legal obligation to ensure the separation of accounts in respect of different areas of activity, and this must be testified by an auditor.

Amendment 351
Jörg Leichtfried

Proposal for a regulation
Article 29 – title

Text proposed by the Commission

Amendment

Legal separation

Separation of accounts

Or. de

Amendment 352

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 29 – title

Text proposed by the Commission

Amendment

Legal separation

Separation of accounts

Or. de

Justification

The objective of fair competition and the prevention of cross subsidisation can also be achieved through the strict separation of accounts and independent auditing.

Amendment 353

Christine De Veyrac, Michel Dantin

Proposal for a regulation

Article 29 – title

Text proposed by the Commission

Amendment

Legal separation

Separation of accounts

Or. fr

Justification

The current system of separation of accounts should be maintained and auditing stepped up. Other forms of separation, such as functional separation, could be unnecessarily restrictive (for example, obligatory physical separation of places of work). This is particularly relevant to medium-sized airports which need to be flexible in order to carry out certain small-scale groundhandling activities which generate little in the way of profit.

Amendment 354
Carlo Fidanza

Proposal for a regulation
Article 29 – title

Text proposed by the Commission

Amendment

Legal separation

Separation **of accounts**

Or. it

Amendment 355
Jörg Leichtfried

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

Amendment

1. At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the managing body of the centralised infrastructure shall, if it provides groundhandling services for third parties, establish a separate legal entity for the provision of these groundhandling activities.

deleted

This entity shall be independent in terms of its legal form, its organisation and its decision-making from any entity concerned with the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties, and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties.

Amendment 356

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the managing body of the centralised infrastructure shall, if it provides groundhandling services for third parties, establish a separate legal entity for the provision of these groundhandling activities.

deleted

Or. de

Justification

The Commission cannot simply claim that this is very difficult to monitor and is felt to be insufficient to ensure fair competition (p. 9 of the explanatory memorandum). This provision would place the airport at a serious disadvantage by comparison with third-party suppliers operating at the airport. These are concerns that operate Europe-wide and are not organised as individual firms at individual locations.

Amendment 357

Knut Fleckenstein

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the

At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the

managing body of the centralised infrastructure shall, if it provides groundhandling services for third parties, **establish a separate legal entity** for the provision of these groundhandling activities.

managing body of the centralised infrastructure shall, if it provides groundhandling services for third parties, **guarantee strict separation of accounts** for the provision of these groundhandling activities.

Or. de

Amendment 358

Thomas Mann

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

At airports **whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years**, the managing **body** of the airport or the managing **body** of the centralised infrastructure shall, if **it provides** groundhandling services for third parties, establish a separate legal entity for the provision of these groundhandling activities.

Amendment

At airports **in the European Union**, the managing **bodies** of the airport or the managing **bodies** of the centralised infrastructure shall, if **they provide** groundhandling services for third parties, **not be obliged to** establish a separate legal entity for the provision of these groundhandling activities.

Or. de

Amendment 359

Dominique Riquet

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

At airports whose annual traffic volume has been not less than **2** million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the managing body of the centralised

Amendment

At airports whose annual traffic volume has been not less than **5** million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the managing body of the centralised

infrastructure shall, if it provides groundhandling services for third parties, establish a separate legal entity for the provision of these groundhandling activities.

infrastructure shall, if it provides groundhandling services for third parties, establish a separate legal entity for the provision of these groundhandling activities.

Or. fr

Justification

Whilst legal separation appears essential in order to introduce genuine competition at airports whose annual traffic volume is not less than 5 million passenger movements or 50 000 tonnes of freight, there is effectively no real competition at small airports and it would be counter-productive to introduce additional constraints.

Amendment 360 **Dominique Vlasto**

Proposal for a regulation **Article 29 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the managing body of the centralised infrastructure shall, if it provides groundhandling services for third parties, ***establish a separate legal entity for the provision of these*** groundhandling activities.

Amendment

At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the managing body of the centralised infrastructure shall, if it provides groundhandling services for third parties, ***have separate accounts for its activities as a groundhandling services provider and its other*** activities.

Or. fr

Justification

Separation of accounts is sufficient to meet the stated objective of this regulation. Legal and functional separation would be excessive and not provide any real added value.

Amendment 361 **Christine De Veyrac, Michel Dantin**

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the managing body of the centralised infrastructure shall, if it provides groundhandling services for third parties, **establish a separate legal entity for the provision of these** groundhandling activities.

Amendment

At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the managing body of the centralised infrastructure shall, if it provides groundhandling services for third parties, separate **its accounts concerning** groundhandling activities **from those concerning its other activities**.

Or. fr

Justification

The current system of separation of accounts should be maintained and auditing stepped up. Other forms of separation, such as functional separation, could be unnecessarily restrictive (for example, obligatory physical separation of places of work). This is particularly relevant to medium-sized airports which need to be flexible in order to carry out certain small-scale groundhandling activities which generate little in the way of profit.

Amendment 362
Carlo Fidanza

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the managing body of the airport or the managing body of the centralised infrastructure **shall**, if it provides groundhandling services for third parties, **establish a separate legal entity for the provision of these groundhandling**

Amendment

At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years:

activities.

- the managing body of the airport or the managing body of the centralised infrastructure, if it provides groundhandling services for third parties;

- and other providers of groundhandling services for third parties;

shall separate their accounts for their groundhandling activities from their accounts for any other activities they may undertake.

Or. it

**Amendment 363
Knut Fleckenstein**

**Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

Amendment

This entity shall be independent in terms of its legal form, its organisation and its decision-making from any entity concerned with the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties, and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties.

deleted

Or. de

**Amendment 364
Thomas Mann**

**Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

Amendment

This entity shall be independent in terms of its legal form, its organisation and its decision-making from any entity concerned with the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties, and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties. **deleted**

Or. de

Amendment 365
Dominique Vlasto

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

This entity shall be independent in terms of its legal form, its organisation and its decision-making from any entity concerned with the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties, and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties. **deleted**

Or. fr

Justification

Separation of accounts is sufficient to meet the stated objective of this regulation. Legal and functional separation would be excessive and not provide any real added value.

Amendment 366
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

This entity shall be independent in terms of its legal form, its organisation and its decision-making from any entity concerned with the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties, and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties.

deleted

Or. de

Justification

In particular, they may also cross-subsidise. Some examples would be multi-station contracts and strategic price formation covering several locations. Their Europe-wide operations alone give these third-party service suppliers huge advantages over airports, which are restricted to their own location.

Amendment 367
Carlo Fidanza

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

This entity shall be independent in terms of its legal form, its organisation and its decision-making from any entity concerned with the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties,

deleted

and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties.

Or. it

Amendment 368
Christine De Veyrac, Michel Dantin

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This entity shall be *independent in terms of its legal form, its organisation and its decision-making* from any entity concerned with the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties, and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties.

Amendment

This *entity's accounts* shall be *separate* from *those of* any entity concerned with the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties, and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties.

Or. fr

Justification

The current system of separation of accounts should be maintained and auditing stepped up. Other forms of separation, such as functional separation, could be unnecessarily restrictive (for example, obligatory physical separation of places of work). This is particularly relevant to medium-sized airports which need to be flexible in order to carry out certain small-scale groundhandling activities which generate little in the way of profit.

Amendment 369
Luis de Grandes Pascual

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This entity shall be ***independent in terms of its legal form, its organisation and its decision-making from any entity concerned with*** the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties, and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties.

Amendment

This entity shall be ***functionally independent from*** the management of airport infrastructure where the managing body of the airport provides groundhandling services to third parties, and from any entity concerned with centralised infrastructure where the managing body of the centralised infrastructure provides groundhandling services to third parties. ***The entity is functionally independent if:***

- it constitutes a distinct business entity with its own accounts***
- it provides services for other entities on a non-discriminatory basis***
- it has separate management staff who are independent when it comes to decision-making, with limited possibilities for transferring between the entity concerned and the managing body of the airport***

Or. en

Amendment 370
Jörg Leichtfried

Proposal for a regulation
Article 29 – paragraph 1 – point 1 (new)

Text proposed by the Commission

Amendment

(1) Where the managing body of an airport, the airport user or the supplier of groundhandling services provide groundhandling services, they must rigorously separate the accounts of their groundhandling activities from the accounts of their other activities, in accordance with current commercial practice.

Justification

The regulation requires that the managing body of the airport or of the centralised infrastructure must, if it provides groundhandling services, establish a separate legal entity. (Legal form, organisation and decision-making must be independent.) This can only happen if it is not a subsidiary of the airport. The current rule is maintained (strict separation of activities and monitoring by an independent body).

Amendment 371
Jörg Leichtfried

Proposal for a regulation
Article 29 – paragraph 1 – point 2 (new)

Text proposed by the Commission

Amendment

(2) An independent examiner appointed by the Member State must check that this separation of accounts is carried out.

The examiner shall also check the absence of financial flows between the activity of the managing body as airport authority and its groundhandling activity.

Or. de

Justification

The regulation requires that the managing body of the airport or of the centralised infrastructure must, if it provides groundhandling services, establish a separate legal entity. (Legal form, organisation and decision-making must be independent.) This can only happen if it is not a subsidiary of the airport. The current rule is maintained (strict separation of activities and monitoring by an independent body).

Amendment 372
Jörg Leichtfried

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may not participate directly or indirectly in the company structures of the independent entity providing groundhandling services. *deleted*

Or. de

Amendment 373

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may not participate directly or indirectly in the company structures of the independent entity providing groundhandling services. *deleted*

Or. de

Amendment 374

Dominique Vlasto

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may not participate directly or indirectly in the company structures of the independent entity providing groundhandling services. *deleted*

Or. fr

Justification

Separation of accounts is sufficient to meet the stated objective of this regulation. Legal and functional separation would be excessive and not provide any real added value.

Amendment 375

Christine De Veyrac, Michel Dantin

**Proposal for a regulation
Article 29 – paragraph 2**

Text proposed by the Commission

Amendment

2. At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may not participate directly or indirectly in the company structures of the independent entity providing groundhandling services. *deleted*

Or. fr

Justification

The current system of separation of accounts should be maintained and auditing stepped up. Other forms of separation, such as functional separation, could be unnecessarily restrictive (for example, obligatory physical separation of places of work). This is particularly relevant to medium-sized airports which need to be flexible in order to carry out certain small-scale groundhandling activities which generate little in the way of profit.

Amendment 376

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may not participate directly or indirectly in the company structures of the independent entity providing groundhandling services. *deleted*

Or. de

Justification

This provision makes no legal sense. Airports providing groundhandling services are required to establish a separate legal entity which must be independent in terms of its organisation and its decision-making. This contradicts company law. The airport must logically be the sole or (co-) member of the legal entity. This means that it is responsible, inter alia, for monitoring the conduct of the business in the framework of the general meeting.

Amendment 377

Carlo Fidanza

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may not participate directly or indirectly in the company structures of the independent entity providing groundhandling services.

deleted

Or. it

Amendment 378

Thomas Mann

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports *whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years*, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may **not** participate directly or indirectly in the company structures of the **independent** entity providing groundhandling services.

2. At airports **in the European Union**, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may participate directly or indirectly in the company structures of the entity providing groundhandling services.

Or. de

Amendment 379

Dominique Riquet

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports whose annual traffic volume has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may not participate directly or indirectly in the company structures of the independent entity providing groundhandling services.

2. At airports whose annual traffic volume has been not less than 5 million passenger movements or 50 000 tonnes of freight for at least the previous three years, the persons responsible for the management of the airport infrastructure or the management of the centralised infrastructure may not participate directly or indirectly in the company structures of the independent entity providing groundhandling services.

Or. fr

Amendment 380

Jörg Leichtfried

Proposal for a regulation

Article 29 – paragraph 3

Text proposed by the Commission

Amendment

3. The legal entity proving groundhandling services as referred to in paragraph (1) may not receive any financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure in cases where the managing body of the airport provides groundhandling services, or from aeronautical activities related to the management of centralised infrastructure in cases where the managing body of the centralised infrastructure provides groundhandling services which would allow the legal entity providing groundhandling services to reduce the prices it charges for its groundhandling services to third parties.

deleted

Or. de

Amendment 381
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

Amendment

3. The legal entity providing groundhandling services as referred to in paragraph (1) may not receive any financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure in cases where the managing body of the airport provides groundhandling services, or from aeronautical activities related to the management of centralised infrastructure in cases where the managing body of the centralised infrastructure provides groundhandling services which would allow the legal entity providing groundhandling services to reduce the prices it charges for its groundhandling services to third parties.

deleted

Or. de

Justification

This provision is unclear and its wording is ambiguous. Under what conditions must a separate legal entity be established for centralised infrastructure? It is the task of the airport to give instructions on the scale, design and construction of luggage-carrying facilities. This task cannot be taken on by another legal entity that must be independent in terms of organisation and decision-making.

Amendment 382
Knut Fleckenstein

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

Amendment

3. The legal entity providing groundhandling services as referred to in paragraph (1) may not receive any

3. The managing body of the airport *or the managing body of the* centralised infrastructure, in cases where *these provide*

financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure in cases where the managing body of the airport provides groundhandling services, or from aeronautical activities related to the management of centralised infrastructure in cases where the managing body of the centralised infrastructure provides groundhandling services which would allow the legal entity providing groundhandling services to reduce the prices it charges for its groundhandling services to third parties.

groundhandling services to third parties, shall ensure that these groundhandling services receive no financial cross-subsidisation from aeronautical activities in connection with the management of airport infrastructure.

Or. de

Amendment 383
Thomas Mann

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. The legal entity providing groundhandling services as referred to in paragraph (1) may not receive any financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure in cases where the managing body of the airport provides groundhandling services, or from aeronautical activities related to the management of centralised infrastructure in cases where the managing body of the centralised infrastructure provides groundhandling services which would allow the legal entity providing groundhandling services to reduce the prices it charges for its groundhandling services to third parties.

Amendment

3. The legal separation provided for in Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports shall apply in particular in the following cases:

Where the managing body of an airport, the airport user or the supplier of groundhandling services provide groundhandling services, they must

rigorously separate the accounts of their groundhandling activities from the accounts of their other activities, in accordance with current commercial practice.

An independent examiner appointed by the Member State must check that this separation of accounts is carried out.

The examiner shall also check the absence of financial flows between the activity of the managing body as airport authority and its groundhandling activity.

Or. de

Amendment 384
Dominique Vlasto

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. The legal **entity providing** groundhandling services as referred to in paragraph (1) may not receive any financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure **in cases where the managing body of the airport provides groundhandling services**, or from aeronautical activities related to the management of centralised infrastructure **in cases where the managing body of the centralised infrastructure provides groundhandling services** which would allow **the legal entity providing groundhandling services** to reduce the prices **it charges** for **its** groundhandling services to third parties.

Amendment

3. The legal **entities providing** groundhandling services as referred to in paragraph (1) may not receive any financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure or from aeronautical activities related to the management of centralised infrastructure which would allow **them** to reduce the prices for **their** groundhandling services **if they charge the cost** to third parties.

Or. fr

Justification

Separation of accounts is sufficient to meet the stated objective of this regulation. Legal and functional separation would be excessive and not provide any real added value.

Amendment 385

Christine De Veyrac, Michel Dantin

Proposal for a regulation

Article 29 – paragraph 3

Text proposed by the Commission

3. The legal ***entity providing*** groundhandling services as referred to in paragraph (1) may not receive any financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure ***in cases where the managing body of the airport provides groundhandling services***, or from aeronautical activities related to the management of centralised infrastructure ***in cases where the managing body of the centralised infrastructure provides groundhandling services*** which would allow ***the legal entity providing groundhandling services*** to reduce the prices ***it charges*** for ***its*** groundhandling services to third parties.

Amendment

3. The legal ***entities providing*** groundhandling services as referred to in paragraph (1) may not receive any financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure or from aeronautical activities related to the management of centralised infrastructure which would allow ***them*** to reduce the prices ***they charge*** for ***their*** groundhandling services to third parties.

Or. fr

Justification

The current system of separation of accounts should be maintained and auditing stepped up. Other forms of separation, such as functional separation, could be unnecessarily restrictive (for example, obligatory physical separation of places of work). This is particularly relevant to medium-sized airports which need to be flexible in order to carry out certain small-scale groundhandling activities which generate little in the way of profit.

Amendment 386

Carlo Fidanza

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. The legal entity providing groundhandling services as referred to in paragraph (1) may not receive any financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure in cases where the managing body of the airport provides groundhandling services, or from aeronautical activities related to the management of centralised infrastructure in cases where the managing body of the centralised infrastructure provides groundhandling services which would allow the legal entity providing groundhandling services to reduce the prices it charges for its groundhandling services to third parties.

Amendment

3. The managing body of the centralised infrastructure and/or the airport, as the provider of groundhandling services, may not receive any financial cross-subsidisation from aeronautical activities related to the management of airport infrastructure in cases where the managing body of the airport provides groundhandling services, or from aeronautical activities related to the management of centralised infrastructure in cases where the managing body of the centralised infrastructure provides groundhandling services which would allow the legal entity providing groundhandling services to reduce the prices it charges for its groundhandling services to third parties

Or. it

Amendment 387
Thomas Mann

Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

4. For the purpose of this Article 'aeronautical activities' of a managing body of the airport means any activity that the managing body of the airport carries at its respective airport out which is related to the provision of services or infrastructures to airport users, suppliers of groundhandling services in their activity of air transport, or air passengers using the airport, such as levying of airport charges, allocation of infrastructures and installations, security and safety measures at the airport. Non-

Amendment

deleted

aeronautical activities include real estate activities or any activities in another sector than air transport.

Or. de

Amendment 388

Jörg Leichtfried

Proposal for a regulation

Article 29 – paragraph 4

Text proposed by the Commission

Amendment

4. For the purpose of this Article 'aeronautical activities' of a managing body of the airport means any activity that the managing body of the airport carries at its respective airport out which is related to the provision of services or infrastructures to airport users, suppliers of groundhandling services in their activity of air transport, or air passengers using the airport, such as levying of airport charges, allocation of infrastructures and installations, security and safety measures at the airport. Non-aeronautical activities include real estate activities or any activities in another sector than air transport.

deleted

Or. de

Amendment 389

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 29 – paragraph 4

Text proposed by the Commission

Amendment

4. For the purpose of this Article 'aeronautical activities' of a managing body of the airport means any activity that the managing body of the airport carries

deleted

at its respective airport out which is related to the provision of services or infrastructures to airport users, suppliers of groundhandling services in their activity of air transport, or air passengers using the airport, such as levying of airport charges, allocation of infrastructures and installations, security and safety measures at the airport. Non-aeronautical activities include real estate activities or any activities in another sector than air transport.

Or. de

Justification

This provision maintains the ban on cross-subsidisation from aeronautical activities, in accordance with the directive currently in force. This ban already placed airports at a severe disadvantage vis-à-vis third-party service providers. Airports, which are medium-sized undertakings, are in competition with major concerns which operate Europe-wide and, in some cases, outside Europe as well. Those concerns exploit the scope for cross-subsidisation to the full.

Amendment 390
Thomas Mann

Proposal for a regulation
Article 29 – paragraph 5

Text proposed by the Commission

Amendment

5. At the close of each financial year an independent auditor shall verify the situation and publicly declare that such financial cross-subsidisation has not occurred. Where the legal entity providing groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that this is compliant with paragraph (3).

deleted

Or. de

Amendment 391
Jörg Leichtfried

Proposal for a regulation
Article 29 – paragraph 5

Text proposed by the Commission

Amendment

5. At the close of each financial year an independent auditor shall verify the situation and publicly declare that such financial cross-subsidisation has not occurred. Where the legal entity providing groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that this is compliant with paragraph (3). ***deleted***

Or. de

Amendment 392
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 29 – paragraph 5

Text proposed by the Commission

Amendment

5. At the close of each financial year an independent auditor shall verify the situation and publicly declare that such financial cross-subsidisation has not occurred. Where the legal entity providing groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that this is compliant with paragraph (3). ***deleted***

Or. de

Justification

The new provision places airport groundhandling services at an even greater disadvantage. It is even more stringent than the existing rules. First of all, an auditor must certify that there was no cross-subsidisation from aeronautical activities. In addition, the airport groundhandling services must prove that cross-subsidisation from non-aeronautical activities was not used by the parent company to reduce the level of charges for groundhandling services.

Amendment 393 Knut Fleckenstein

Proposal for a regulation Article 29 – paragraph 5

Text proposed by the Commission

5. At the close of each financial year an independent auditor shall ***verify the situation*** and publicly ***declare*** that ***such financial*** cross-subsidisation has not occurred. Where the ***legal entity providing*** groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that this is compliant with paragraph (3).

Amendment

5. At the close of each financial year an independent auditor shall ***examine the separate accounts*** and publicly ***confirm*** that cross-subsidisation ***within the meaning of paragraph (3)*** has not occurred. Where the ***supplier of*** groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that this is compliant with paragraph (3).

Or. de

Amendment 394 David-Maria Sassoli

Proposal for a regulation Article 29 – paragraph 5

Text proposed by the Commission

5. At the close of each financial year an independent auditor shall verify the situation and publicly declare that ***such*** financial cross-subsidisation has ***not*** occurred. Where the legal entity providing

Amendment

5. At the close of each financial year an independent auditor shall verify the situation and publicly declare that ***no*** financial cross-subsidisation ***from aeronautical activities*** has occurred.

groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that *this is compliant* with paragraph (3).

Where the legal entity providing groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that *these subsidies do not come from aeronautical activities, in compliance* with paragraph (3).

Or. it

Amendment 395

Carlo Fidanza

Proposal for a regulation

Article 29 – paragraph 5

Text proposed by the Commission

5. At the close of each financial year an independent auditor shall verify the situation and publicly declare that *such* financial cross-subsidisation has *not* occurred. Where the legal entity providing groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that *this is compliant* with paragraph (3).

Amendment

5. At the close of each financial year an independent auditor shall verify the situation and publicly declare that *no* financial cross-subsidisation *from aeronautical activities* has occurred. Where the legal entity providing groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that *these subsidies do not come from aeronautical activities, in compliance* with paragraph (3).

Or. it

Amendment 396

Debora Serracchiani

Proposal for a regulation

Article 29 – paragraph 5

Text proposed by the Commission

5. At the close of each financial year an independent auditor shall verify the situation and publicly declare that such financial cross-subsidisation has not occurred. Where the legal entity providing groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that ***this is compliant with*** paragraph (3).

Amendment

5. At the close of each financial year an independent auditor shall verify the situation and publicly declare that such financial cross-subsidisation ***from aeronautical activities*** has not occurred. Where the legal entity providing groundhandling services receives cross-subsidisation from non-aeronautical activities, the entity managing the airport infrastructure or the entity managing the centralised infrastructure shall demonstrate that ***subsidies do not come from aeronautical activities as referred to in*** paragraph (3).

Or. en

Justification

The paragraph needs to be clarified and put in compliance with the rest of the article. The general reference to paragraph 3, which refers to aeronautical activities leads to confusion.

Amendment 397

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

Separation of accounts

1. Where the managing body of an airport, the airport user or the supplier of groundhandling services provide groundhandling services, they must rigorously separate the accounts of their groundhandling activities from the accounts of their other activities, in accordance with current commercial practice.

2. An independent examiner appointed by

the Member State must check that this separation of accounts is carried out.

3. The examiner shall also check the absence of financial flows between the activity of the managing body as airport authority and its groundhandling activity.

Or. de

Justification

The legal status quo should be maintained. Accordingly, the text of Directive 96/67/EC should be taken over.

Amendment 398
Inés Ayala Sender

Proposal for a regulation
Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29 a

Separation of accounts

1. Where the managing body of an airport, the airport user or the supplier of groundhandling services provide groundhandling services, they must rigorously separate the accounts of their groundhandling activities from the accounts of their other activities.

2. An independent auditor appointed by the Member State must check that this separation of accounts is carried out.

3. The managing body of the centralised infrastructure and/or the airport acting as a provider of third party groundhandling services may not receive any financial cross subsidisation from aeronautical activities related to the management of airport infrastructure in cases where the managing body of the airport provides groundhandling services, or from aeronautical activities related to the

management of centralised infrastructure in cases where the managing body of the centralised infrastructure provides groundhandling services which would allow the legal entity providing groundhandling services to reduce the prices it charges for its groundhandling services to third parties. The auditor referred to in paragraph 2 shall also check the absence of financial flows between the activity of the managing body as airport authority and its groundhandling activity.

Or. en

Justification

The present legal situation should remain

Amendment 399
Ramon Tremosa i Balcells

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services and self-handling airport users comply with the airport rules of conduct as defined in Article 31.

Amendment

1. The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services and self-handling airport users **and the provision of centralised infrastructure** comply with the airport rules of conduct as defined in Article 31.

Or. en

Justification

The provision of centralised infrastructure, being essential for groundhandling activities, should equally be subject to Article 30 and adequately coordinated with other

groundhandling activities.

Amendment 400

Erik Bánki, Ádám Kósa

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services and self-handling airport users comply with the airport rules of conduct as defined in Article 31.

Amendment

1. The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services and self-handling airport users **and the provision of centralised infrastructure** comply with the airport rules of conduct as defined in Article 31.

Or. en

Justification

The provision of centralised infrastructure, being essential for groundhandling activities, should equally be subject to Article 30 and adequately coordinated with other ground handling activities.

Amendment 401

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall **in particular** ensure that the **operations of** suppliers of groundhandling services and self-handling airport users comply with the airport rules

Amendment

1. The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall ensure that the suppliers of ground-handling services and self-handling airport users comply with the airport rules of conduct as defined in Article 31. **The**

of conduct as defined in Article 31.

managing body of the airport shall be empowered to enforce the rules of conduct. The measures adopted shall be transparent, proportionate and non-discriminatory.

Or. de

Amendment 402
Phil Bennion, Philippe De Backer

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services **and** self-handling airport users comply with the airport rules of conduct as defined in Article 31.

Amendment

1. The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services, self-handling airport users **and the provision of centralised infrastructure** comply with the airport rules of conduct as defined in Article 31.

Or. en

Justification

Synergy between the performances of groundhandlers, self-handling airport users and the provision of centralised infrastructure is essential to the good functioning of an airport

Amendment 403
Sabine Wils

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. The managing body of the airport shall be in charge of the proper coordination of

Amendment

1. The managing body of the airport shall be in charge of the proper coordination of

groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services and self-handling airport users comply with the airport rules of conduct as defined in Article 31.

groundhandling activities at its airport. As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services and self-handling airport users comply **both** with the airport rules of conduct as defined in Article 31 **and with minimum quality standards, as specified in Article 32.**

Or. en

Justification

It's worthwhile to have both reference to airport conduct rules and minimum quality standards in the same paragraph dealing with tasks of the managing body.

Amendment 404

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. The managing body of the airport shall be in charge of the **proper** coordination of groundhandling activities at its airport. **As ground coordinator**, the managing body of the airport shall **in particular ensure that the operations of** suppliers of groundhandling services and self-handling airport users comply with the airport rules of conduct as defined in Article 31.

Amendment

1. The managing body of the airport shall be in charge of the coordination of groundhandling activities **by suppliers of groundhandling services and self-handling airport users** at its airport The managing body of the airport shall **be empowered to instruct** suppliers of groundhandling services and self-handling airport users **to** comply with the airport rules of conduct as defined in Article 31 **and the minimum quality standards as defined in Article 32. It shall be empowered to take appropriate measures to ensure compliance with its instructions.**

(a) The management body of the airport shall be empowered to pass on the cost of coordination and the expenses it incurs in that connection, as part of its traffic management role, to airport users through airport charges.

(b) The managing body of the airport shall not be liable in the event of non-compliance with the rules of conduct as defined in Article 31 and the minimum quality standards as defined in Article 32 by airport users and suppliers of groundhandling services.

Or. de

Justification

Airports are responsible for the proper coordination of infrastructure use by those involved in the air transport system. Reliable and efficient groundhandling services, supplied by service providers and, in some cases, by self-handlers, are fundamental to the optimum use of airports and to the ability of the system to cope with crises. Groundhandling services at airports must be provided in a manner consistent with the system as a whole.

Amendment 405

Carlo Fidanza, Antonio Cancian, Salvatore Tatarella

**Proposal for a regulation
Article 30 – paragraph 1**

Text proposed by the Commission

1. The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport.

As ground coordinator, the managing body of the airport shall ***in particular*** ensure that the operations of suppliers of groundhandling services and self-handling airport users comply with the airport rules of conduct as defined in Article 31.

Amendment

1. As ground coordinator, the managing body of the airport shall ensure that the operations of suppliers of groundhandling services and self-handling airport users comply with the airport rules of conduct as defined in Article 31.

The managing body of the airport shall be authorised to enforce compliance with airport regulations. The measures adopted shall be transparent, proportional and non-discriminatory.

Or. it

Amendment 406
Vilja Savisaar-Toomast

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. *The managing body of the airport shall be in charge of the proper coordination of groundhandling activities at its airport.*

As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services and self-handling airport users comply with the airport rules of conduct as defined in Article 31.

Amendment

1. As ground coordinator, the managing body of the airport shall in particular ensure that the operations of suppliers of groundhandling services and self-handling airport users comply with the airport rules of conduct as defined in Article 31.

The airport operator shall be empowered to enforce the rules of conduct. The adopted measures shall be transparent, proportionate and non-discriminatory.

Or. en

Amendment 407
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 30 – paragraph 1 a (new)

Text proposed by the Commission

1a. If the managing body of the airport provides groundhandling services or directly or indirectly controls an undertaking which does so, the independent supervisory authority shall monitor the proper coordination of groundhandling services and the enforcement of the rules of conduct by the management body.

Amendment

Or. de

Amendment 408
Sabine Wils

Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

Amendment

2. In addition, at airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least three consecutive years:

deleted

(a) the operations of suppliers of groundhandling services and self-handling airport users shall comply with minimum quality standards, as specified in Article 32;

(b) the managing body of the airport shall ensure that the operations of suppliers of groundhandling services and self-handling airport users are coordinated through an airport Collaborative Decision Making (CDM) and through a proper contingency plan.

Or. en

Justification

Reference to article 32 is included in the previous paragraph.

Amendment 409
Giommaria Uggias

Proposal for a regulation
Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. In addition, at airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least three consecutive years:

2. In addition:

Or. it

Amendment 410
Eva Lichtenberger

Proposal for a regulation
Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

2. In addition, at airports whose annual traffic has been not less than **5** million passengers or **100** 000 tonnes of freight for at least three consecutive years:

Amendment

2. In addition, at airports whose annual traffic has been not less than **10** million passengers or **200** 000 tonnes of freight for at least three consecutive years:

Or. en

Amendment 411
Ramon Tremosa i Balcells

Proposal for a regulation
Article 30 – paragraph 2 – point a

Text proposed by the Commission

(a) the operations of suppliers of groundhandling services *and* self-handling airport users shall comply with minimum quality standards, as specified in Article 32;

Amendment

(a) the operations of suppliers of groundhandling services, self-handling airport users, *and the provision of centralised infrastructure* shall comply with minimum quality standards, as specified in Article 32;

Or. en

Justification

The provision of centralised infrastructure, being essential for groundhandling activities, should equally be subject to Article 30 and adequately coordinated with other groundhandling activities.

Amendment 412
Phil Bennion, Philippe De Backer

Proposal for a regulation
Article 30 – paragraph 2 – point a

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Text proposed by the Commission

Amendment

(a) the operations of suppliers of groundhandling services **and** self-handling airport users shall comply with minimum quality standards, as specified in Article 32;

(a) the operations of suppliers of groundhandling services, self-handling airport users **and the provision of centralised infrastructure** shall comply with minimum quality standards, as specified in Article 32;

Or. en

Justification

Synergy between the performances of groundhandlers, self-handling airport users and the provision of centralised infrastructure is essential to the good functioning of an airport

Amendment 413
Jacqueline Foster

Proposal for a regulation
Article 30 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the operations of suppliers of groundhandling services **and self-handling airport users** shall comply with minimum quality standards, as specified in Article 32;

(a) the operations of suppliers of groundhandling services **limited in accordance with Articles 6(2) or 14** shall comply with minimum quality standards, as specified in Article 32;

Or. en

Justification

Minimum quality standards are only necessary in situations where the market is not competitive enough, i.e. where the number of suppliers is limited in accordance with Article 6 or 14. In other situations, the suppliers of groundhandling services, in order to maintain their market shares, will have to ensure that their services meet the expectations of airport users and their passengers.

Amendment 414
Ramon Tremosa i Balcells

Proposal for a regulation
Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) the managing body of the airport shall ensure that the operations of suppliers of groundhandling services and self-handling airport users are coordinated through an airport Collaborative Decision Making (CDM) and through a proper contingency plan.

Amendment

(b) the managing body of the airport shall ensure that the operations of suppliers of groundhandling services and self-handling airport users **and the provision of centralised infrastructure** are coordinated through an airport Collaborative Decision Making (CDM) and through a proper contingency plan.

Or. en

Justification

The provision of centralised infrastructure, being essential for groundhandling activities, should equally be subject to Article 30 and adequately coordinated with other groundhandling activities.

Amendment 415
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) the managing body of the airport shall ensure that the operations of suppliers of groundhandling services and self-handling airport users **are coordinated through an airport Collaborative Decision Making (CDM) and through** a proper contingency plan.

Amendment

(b) the managing body of the airport shall ensure that **a proper contingency plan is drawn up for** the operations of suppliers of groundhandling services and self-handling airport users. **The managing body of the airport may use a CDM system for coordination purposes.**

Or. de

Justification

The use of a CDM system should not be mandatory, as it is not practicable at every airport.

Amendment 416
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) the managing body of the airport shall ensure that the operations of suppliers of groundhandling services and self-handling airport users are coordinated **through an airport Collaborative Decision Making (CDM) and through** a proper contingency plan.

Amendment

(b) the managing body of the airport shall ensure that the operations of suppliers of groundhandling services and self-handling airport users are coordinated **by means of** a proper contingency plan. **The managing body may employ a CDM system. At airports with an annual passenger volume of fewer than 15 million the managing body may employ a ‘light’ version of CDM.**

Or. de

Justification

CDM is used as a planning instrument in order to ensure that the best possible use is made of existing infrastructure. It is not suitable for use as a traffic management tool. It is a joint information platform in which all stakeholders must enter certain items of information, in return for the right to call up any information they may require. Decision-making is not coordinated. Each stakeholder takes decisions independently.

Amendment 417
Carlo Fidanza, Antonio Cancian, Salvatore Tatarella

Proposal for a regulation
Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) **the managing body of the airport shall ensure that** the operations of suppliers of groundhandling services and self-handling airport users **are** coordinated through an airport Collaborative Decision Making (CDM) and through a proper contingency plan.

Amendment

(b) the operations of suppliers of groundhandling services and self-handling airport users **shall be** coordinated, **where possible**, through an airport Collaborative Decision Making (CDM) and through a proper contingency plan.

Or. it

Amendment 418
Vilja Savisaar-Toomast

Proposal for a regulation
Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) the *managing body of the* airport shall ensure that the operations of suppliers of groundhandling services and self-handling airport users are coordinated through an airport Collaborative Decision Making (CDM) *and through a proper contingency plan*.

Amendment

(b) the *operations of suppliers of groundhandling services and self-handling* airport users shall be coordinated with the airport managing body through a proper contingency plan *and where possible* through an airport Collaborative Decision Making (CDM).

Or. en

Amendment 419
Ramon Tremosa i Balcells

Proposal for a regulation
Article 30 – paragraph 5

Text proposed by the Commission

5. The managing body of the airport shall report to the national approving authority any problem with the suppliers of groundhandling services or self-handling airport users at its airport.

Amendment

5. The managing body of the airport shall report to the national approving authority any problem with the suppliers of groundhandling services or self-handling airport users *or the provision of centralised infrastructure* at its airport.

Or. en

Justification

The provision of centralised infrastructure, being essential for groundhandling activities, should equally be subject to Article 30 and adequately coordinated with other groundhandling activities.

Amendment 420
Erik Bánki, Ádám Kósa

Proposal for a regulation
Article 30 – paragraph 5

Text proposed by the Commission

5. The managing body of the airport shall report to the national approving authority any problem with the suppliers of groundhandling services or self-handling airport users at its airport.

Amendment

5. The managing body of the airport shall report to the national approving authority any problem with the suppliers of groundhandling services or self-handling airport users ***or the provision of centralised infrastructure*** at its airport.

Or. en

Justification

The provision of centralised infrastructure, being essential for groundhandling activities, should be subject to Article 30 an adequately coordinated with other groundhandling activities.

Amendment 421
Phil Bennion, Philippe De Backer

Proposal for a regulation
Article 30 – paragraph 5

Text proposed by the Commission

5. The managing body of the airport shall report to the national approving authority any problem with the suppliers of groundhandling services or self-handling airport users at its airport.

Amendment

5. The managing body of the airport shall report to the national approving authority any problem with the suppliers of groundhandling services or self-handling airport users ***or the provision of centralised infrastructure*** at its airport.

Or. en

Justification

Synergy between the performances of groundhandlers, self-handling airport users and the provision of centralised infrastructure is essential to the good functioning of an airport

Amendment 422
Christine De Veyrac, Jim Higgins, Dominique Vlasto

Proposal for a regulation
Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30a

Presence of a contact person representing each air carrier

Each air carrier shall have a contact person, or be legally represented at airports whose annual traffic volume is more than 2 million passengers. This contact person, who may be a groundhandling assistant, must have the authority to enter into financial, operational and legal commitments on behalf of the air carrier at the airport in question.

Or. fr

Justification

In accordance with the resolution of 29 March 2012 on the rights of passengers travelling by air, it is important to ensure that passengers can actually exercise those rights. With that aim in view, the managing body of the airport and the public authorities would be able to liaise with a contact person with the authority to deal with a crisis. The introduction of measures related to passenger rights in Article 32 and Annex I justify this provision.

Amendment 423
Ramon Tremosa i Balcells

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

Amendment

2. The managing body of the airport, a public authority or any other body which controls the airport may lay down rules of conduct.

2. The managing body of the airport, a public authority or any other body which controls the airport may lay down rules of conduct ***after consultation with the Airport Users' Committee and the undertakings providing groundhandling***

services.

Or. en

Justification

Airlines and providers of groundhandling services are directly affected by the rules of conduct defined by the airport and should therefore be consulted.

Amendment 424

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

2. The managing body of the airport, a public authority or any other body which controls the airport may lay down rules of conduct.

Amendment

2. The managing body of the airport, a public authority or any other body which controls the airport may lay down rules of conduct. ***If the Airport Users' Committee regards the rules of conduct as inadequate, it may ask the independent supervisory authority to resolve the matter.***

Or. de

Amendment 425

Christine De Veyrac, Jim Higgins, Michel Dantin

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

2. ***The*** managing body of the airport, a public authority or any other body which controls the airport may lay down rules of conduct.

Amendment

2. ***The Member State, the*** managing body of the airport, a public authority or any other body which controls the airport may lay down rules of conduct.

Or. fr

Justification

The notion of public authority in the text proposed by the Commission is ambiguous. It is important that Member States have the opportunity to define certain rules of conduct, particularly with regard to their responsibilities for safety and security.

Amendment 426

Thomas Mann, Georges Bach

Proposal for a regulation

Article 31 – paragraph 3 – point a (new)

Text proposed by the Commission

Amendment

(aa) The managing body of the airport, a competent authority or another body responsible for airport supervision shall be free to choose appropriate means and instruments to punish breaches of the rules of conduct or failures to comply with instructions. Such appropriate means shall explicitly include contractual penalties.

Or. de

Amendment 427

Thomas Mann, Georges Bach

Proposal for a regulation

Article 31 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) they may not, in practice, reduce market access or the freedom to self-handle to a degree below that provided for in this Regulation.

(c) they may not, in practice, reduce market access or the freedom to self-handle to a degree below that provided for in this Regulation. ***In particular in the case of breaches of the provisions of Articles 34 and 40, however, market access or the freedom to self-handle must automatically be restricted. Failure to comply with the provisions of Articles 34 and 40 shall automatically lead to the withdrawal, suspension or withholding of the licence.***

Amendment 428

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 31 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) They shall take appropriate, proportional and non-discriminatory measures to punish breaches of the rules of conduct as defined in Article 30(1).

Or. de

Amendment 429

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 31 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) They may lay down proportionate and appropriate instruments, in particular appropriate contractual penalties, by means of which the managing body of the airport can punish breaches of the rules of conduct or failure to comply with an instruction issued by the managing body pursuant to Article 30(1).

Or. de

Justification

This article provides for the Member State to ban the provision of groundhandling services or self-handling as a punishment for breaches of the rules of conduct. This ‘maximum penalty’ is only appropriate in the event of massive breaches of the rules. The regulation should lay down arrangements for punishing less serious breaches of the rules.

Amendment 430
Thomas Mann, Georges Bach

Proposal for a regulation
Article 31 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. A Member State *may, where appropriate on a proposal from the managing body of the airport:*

4. A Member State **shall**:

Or. de

Amendment 431
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 31 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. A Member State *may, where appropriate* on a proposal from the managing body of the airport:

4. A Member State **shall** on a proposal from the managing body of the airport:

Or. de

Justification

The provision on the rules laid down by Member States concerning compliance by suppliers of groundhandling services with general economic obligations, in particular the statutory obligation to operate, should be mandatory. This is the only way to guarantee uniform application in the EU.

Amendment 432
Eva Lichtenberger

Proposal for a regulation
Article 31 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. A Member State *may, where appropriate* on a proposal from the

4. A Member State **shall**, on a proposal

managing body of the airport:

from the managing body of the airport:

Or. en

Amendment 433

Jim Higgins

Proposal for a regulation

Article 31 – paragraph 4 – point a

Text proposed by the Commission

(a) prohibit a supplier of groundhandling services or a self-handling airport user from supplying groundhandling services or self-handling if that supplier or user fails to comply with the rules of conduct;

Amendment

(a) ***impose a fine on, restrict or*** prohibit a supplier of groundhandling services or a self-handling airport user from supplying groundhandling services or self-handling if that supplier or user fails to comply with the rules of conduct; ***Member States must take a decision on the provisions of this paragraph within a time delay of two months following a proposal from the airport's managing body;***

Or. en

Justification

While it is important Member States be allowed to impose sanctions on ground handlers in cases of non compliance with the rules of conduct, and quality standards, the airport authority has first hand information on the daily operations on ground handlers, and must be allowed to act quickly to rectify issues, given the central importance of Ground Handling to the smooth running of an airport.

Amendment 434

Thomas Mann, Georges Bach

Proposal for a regulation

Article 31 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(aa) in the event of a breach of the provisions of Articles 34 and 40 market access or the freedom to self-handle must

automatically be restricted. Failure to comply with the provisions of Articles 34 and 40 shall automatically lead to the withdrawal, suspension or withholding of the licence.

Or. de

Amendment 435
Thomas Mann, Georges Bach

Proposal for a regulation
Article 32 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Article, 'minimum quality standards' means minimum quality level requirements for groundhandling services.

Amendment

1. For the purposes of this Article, 'minimum quality standards' means minimum quality level requirements for groundhandling services. *The provisions of Articles 34 and 40 shall apply. Failure to comply with the provisions of Articles 34 and 40 shall automatically lead to the withdrawal, suspension or withholding of the licence.*

Or. de

Amendment 436
Jacqueline Foster

Proposal for a regulation
Article 32 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Article, 'minimum quality standards' means minimum quality level requirements for groundhandling services.

Amendment

1. For the purposes of this Article, 'minimum quality standards' means *recommended* minimum quality level requirements for groundhandling services *limited in accordance with Articles 6(2) or 14.*

Or. en

Justification

Minimum quality standards are only necessary in situations where the market is not competitive enough, i.e. where the number of suppliers is limited in accordance with Article 6. In other situations, the suppliers of groundhandling services, in order to maintain their market shares, will have to ensure that their services meet the expectations of airport users and their passengers.

Amendment 437

Ramon Tremosa i Balcells

Proposal for a regulation

Article 32 – paragraph 2

Text proposed by the Commission

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Amendment

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services ***and centralised infrastructure.***

Or. en

Justification

In many cases the performance of groundhandling services will heavily be influenced by the performance of centralised infrastructure. Minimum quality standards should therefore also include apply to suppliers of centralised infrastructure in order to make sure that they can be met.

Amendment 438

Spyros Danellis

Proposal for a regulation

Article 32 – paragraph 2

Text proposed by the Commission

2. At airports whose annual traffic has been

Amendment

2. At airports whose annual traffic has been

not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.
The body setting quality standards shall consult the Airport Users Committee for this purpose.

Or. el

Justification

Airport users must be able to make their views known, not only concerning the review of standards, but also from the outset when they are determined.

Amendment 439 Giommaria Uggias

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Amendment

2. The managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Or. it

Amendment 440 Michel Dantin

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

2. *Does not affect English version.*

Or. fr

Amendment 441

Erik Bánki, Ádám Kósa

Proposal for a regulation

Article 32 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services ***and centralised infrastructure.***

Or. en

Justification

In many cases the performance of groundhandling services will heavily be influenced by the performance of centralised infrastructure. Minimum quality standards should therefore also include apply to suppliers of centralised infrastructure in order to make sure that they can be met.

Amendment 442
Phil Bennion

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Amendment

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport, or, where appropriate, the public authority or any other body which controls the airport, shall set minimum quality standards for the performance of groundhandling services **and centralised infrastructure, after consultation with the Airport User's Committee.**

Or. en

Justification

Consultation with the users of the airport is essential in order to set minimum quality standards which take into account the different business models of airlines, the needs of passengers, the working conditions of groundhandlers and the synergy between the performances of groundhandlers and the centralised infrastructure.

Amendment 443
Silvia-Adriana Țicău

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the

Amendment

2. The managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

performance of groundhandling services.

Or. ro

Amendment 444

Sabine Wils

Proposal for a regulation

Article 32 – paragraph 2

Text proposed by the Commission

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Amendment

2. The managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Or. en

Justification

No new additional threshold is needed.

Amendment 445

Thomas Mann, Georges Bach

Proposal for a regulation

Article 32 – paragraph 2

Text proposed by the Commission

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the

Amendment

2. At airports whose annual traffic has been over 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the airport managing body or, where appropriate, the Member State, the public authority or any other body which controls the airport shall set ***additional*** minimum standards for the

performance of groundhandling services.

performance of groundhandling services
*which may go beyond the basic provisions
of Articles 34 and 40.*

Or. de

Amendment 446
Eva Lichtenberger

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

2. At airports whose annual traffic has been not less than **5** million passenger movements or **100** 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Amendment

2. At airports whose annual traffic has been not less than **10** million passenger movements or **200** 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Or. en

Amendment 447
Christine De Veyrac, Michel Dantin

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Amendment

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services **and immediately notify the Commission of them. The minimum quality standards set**

by the managing body of the airport shall be communicated to the competent public authority which may, where appropriate, call for these standards to be revised.

Or. fr

Justification

The standards should be set at local level. Submitting the standards to the public authority for approval would be an unnecessarily complicated procedure; notifying the public authority of the standards and giving it the opportunity to revise them, where appropriate, would make more sense.

**Amendment 448
Jacqueline Foster**

**Proposal for a regulation
Article 32 – paragraph 2**

Text proposed by the Commission

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services.

Amendment

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services ***limited in accordance with Articles 6(2) or 14.***

Or. en

Justification

Minimum quality standards are only necessary in situations where the market is not competitive enough, i.e. where the number of suppliers is limited in accordance with Article 6. In other situations, the suppliers of groundhandling services, in order to maintain their market shares, will have to ensure that their services meet the expectations of airport users and their passengers.

Amendment 449

Phil Bennion

Proposal for a regulation

Article 32 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Such standards must be consistent with the safety rules, arrangements and management systems of the airport operator and affected air operators as referred to in Regulation (EC) No 216/2008 of the European Parliament and Council.

Or. en

Amendment 450

Debora Serracchiani

Proposal for a regulation

Article 32 – paragraph 3

Text proposed by the Commission

Amendment

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services shall respect the minimum quality standards in their contractual relations.

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services shall respect the minimum quality standards in their contractual relations.

The airport operator shall be empowered to enforce the minimum quality standards. The adopted measures shall be transparent, proportionate and non-discriminatory.

Or. en

Justification

Appropriate and proportionate enforcement measures should ensure the respect of these minimum quality standards

Amendment 451
Ramon Tremosa i Balcells

Proposal for a regulation
Article 32 – paragraph 3

Text proposed by the Commission

3. Suppliers of groundhandling services **and** self-handling airport users shall respect these minimum quality standards. In addition, airport users **and** suppliers of groundhandling services shall respect the minimum quality standards in their contractual relations.

Amendment

3. Suppliers of groundhandling services, self-handling airport users, **and the managing body of the airport or, where relevant, the managing body of the centralised infrastructure** shall respect these minimum quality standards. In addition, airport users, suppliers of groundhandling services, **and the managing body of the airport or, where relevant, the managing body of the centralised infrastructure** shall respect the minimum quality standards in their contractual relations.

Or. en

Justification

In many cases the performance of groundhandling services will heavily be influenced by the performance of centralised infrastructure. Minimum quality standards should therefore also include apply to suppliers of centralised infrastructure in order to make sure that they can be met.

Amendment 452
Erik Bánki, Ádám Kósa

Proposal for a regulation
Article 32 – paragraph 3

Text proposed by the Commission

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services shall respect the minimum quality standards in **their**

Amendment

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services shall respect the minimum quality standards in **the**

contractual relations.

contractual relations *between them*.

Or. en

Justification

The current wording implies that minimum quality standards would be binding between airlines and passengers, meaning that each time they are not met the passenger would have a basis for a claim against the airline.

Amendment 453

Erik Bánki, Ádám Kósa

Proposal for a regulation

Article 32 – paragraph 3

Text proposed by the Commission

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services shall respect the minimum quality standards in their contractual relations.

Amendment

3. Suppliers of groundhandling services and self-handling airport users, ***and the managing body of the airport or, where relevant, the managing body of the centralised infrastructure*** shall respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services, ***and the managing body of the airport or, where relevant, the managing body of the centralised infrastructure*** shall respect the minimum quality standards in their contractual relations.

Or. en

Justification

In many cases the performance of groundhandling services will heavily be influenced by the performance of centralised infrastructure. Minimum quality standards should therefore also include apply to suppliers of centralised infrastructure in order to make sure that they can be met.

Amendment 454

David-Maria Sassoli

Proposal for a regulation
Article 32 – paragraph 3

Text proposed by the Commission

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services shall respect the minimum quality standards in their contractual relations.

Amendment

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services shall respect the minimum quality standards in their contractual relations. ***The public authority concerned shall either directly or upon notification by the managing body of the airport impose appropriate penalties where the minimum quality standards laid down in the Airport Regulations and referred to in Paragraph (2) are not complied with. To ensure suppliers of groundhandling services comply with minimum requirements, the managing body of the airport shall have access to information on the parameters for groundhandling services laid down in the Service Level Agreements (SLAs). If the managing body finds that the SLAs do not comply with the airport's minimum quality standards, it may ask the supervisory authority to take the appropriate action. These standards must be objective, proportional and non-discriminatory.***

Or. it

Amendment 455
Carlo Fidanza, Antonio Cancian, Salvatore Tatarella

Proposal for a regulation
Article 32 – paragraph 3

Text proposed by the Commission

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of

Amendment

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of

groundhandling services shall respect the minimum quality standards in their contractual relations.

groundhandling services shall respect the minimum quality standards in their contractual relations.

The public authority concerned shall either directly or upon notification by the managing body of the airport impose appropriate penalties where the minimum quality standards laid down in the Airport Regulations and referred to in Paragraph (2) are not complied with. To ensure suppliers of groundhandling services comply with minimum requirements, the managing body of the airport shall have access to information on the parameters for groundhandling services laid down in the Service Level Agreements (SLAs). If the managing body finds that the SLAs do not comply with the airport's minimum quality standards, it may ask the supervisory authority to take the appropriate action. These standards must be objective, proportional and non-discriminatory.

Or. it

Amendment 456
Jacqueline Foster

Proposal for a regulation
Article 32 – paragraph 3

Text proposed by the Commission

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services shall **respect** the minimum quality standards in **their** contractual relations.

Amendment

3. Suppliers of groundhandling services and self-handling airport users shall **endeavour to** respect these minimum quality standards. In addition, airport users and suppliers of groundhandling services shall **take due account of** the minimum quality standards in **the** contractual relations **between them**.

Or. en

Justification

Seeks to clarify that the contractual relations to which it refers are between the suppliers and airport users, i.e. the service level agreements they conclude between them. By requiring the suppliers and airport users to “respect” the minimum quality standards in their contractual relations, the text may be read as implying that the parties may not derogate from the standards in their service level agreements, excluding the possibility to agree on more ambitious contractually agreed standards.

Amendment 457

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 32 – paragraph 4

Text proposed by the Commission

4. The minimum quality standards shall cover in particular the following fields: operational performance, training, information and assistance to passengers, in particular as referred to in Regulations (EC) No 261/2004 of the European Parliament and of the Council¹⁸ and EC (No) 1107/2006 of the European Parliament and of the Council¹⁹, CDM, safety, security, contingency measures, and the environment.

Amendment

4. The minimum quality standards shall cover in particular the following fields: operational performance, **staff** training, **nature of equipment**, information and assistance to passengers, in particular as referred to in Regulations (EC) No 261/2004 of the European Parliament and of the Council¹⁸ and EC (No) 1107/2006 of the European Parliament and of the Council¹⁹, CDM, safety, security, contingency measures, and the environment.

Or. de

Amendment 458

Sabine Wils

Proposal for a regulation

Article 32 – paragraph 4

Text proposed by the Commission

4. The minimum quality standards shall cover in particular the following fields: operational performance, training, information and assistance to passengers, in particular as referred to in Regulations

Amendment

4. The minimum quality standards shall cover in particular the following fields: operational performance, **staff** training, **adequate equipment**, information and assistance to passengers, in particular as

(EC) No 261/2004 of the European Parliament and of the Council¹⁸ and EC (No) 1107/2006 of the European Parliament and of the Council¹⁹, CDM, safety, security, contingency measures, and the environment.

referred to in Regulations (EC) No 261/2004 of the European Parliament and of the Council¹⁸ and EC (No) 1107/2006 of the European Parliament and of the Council¹⁹, CDM, safety, security, contingency measures, and the environment.

Or. en

Justification

Adequate Staff training and reliable equipment are key factors in minimum quality standards.

Amendment 459 **Marian-Jean Marinescu**

Proposal for a regulation **Article 32 – paragraph 4**

Text proposed by the Commission

4. The minimum quality standards shall cover in particular the following fields: operational performance, training, information and assistance to passengers, in particular as referred to in Regulations (EC) No 261/2004 of the European Parliament and of the Council¹⁸ and EC (No) 1107/2006 of the European Parliament and of the Council¹⁹, CDM, safety, security, contingency measures, and *the environment*.

Amendment

4. The minimum quality standards shall cover in particular the following fields: operational performance, training, information and assistance to passengers, in particular as referred to in Regulations (EC) No 261/2004 of the European Parliament and of the Council and EC (No) 1107/2006 of the European Parliament and of the Council, CDM, safety, security, contingency measures, and *compliance with environmental requirements*.

Or. fr

Amendment 460 **Jacqueline Foster**

Proposal for a regulation **Article 32 – paragraph 4**

Text proposed by the Commission

Amendment

4. The minimum quality standards shall cover in particular the following fields: **operational performance**, training, information and assistance to passengers, in particular as referred to in Regulations (EC) No 261/2004 of the European Parliament and of the Council¹⁸ and EC (No) 1107/2006 of the European Parliament and of the Council¹⁹, CDM, safety, security, contingency measures, and the environment.

4. The minimum quality standards shall cover in particular the following fields: training, information and assistance to passengers, in particular as referred to in Regulations (EC) No 261/2004 of the European Parliament and of the Council¹⁸ and EC (No) 1107/2006 of the European Parliament and of the Council¹⁹, CDM, safety, security, contingency measures, and the environment.

Or. en

Justification

Minimum quality standards should not interfere with contractual agreements between airport users and groundhandlers, and contractual agreements between airport users and passengers. The imposition of minimum quality standards on operational performance conflicts with the freedom of European companies to define the product they want to offer on a market, based on the expectations of passengers. The demand of passengers should drive the market, not the regulators'.

Amendment 461

Michael Gahler, Markus Ferber

Proposal for a regulation
Article 32 – paragraph 5

Text proposed by the Commission

Amendment

5. The minimum quality standards shall be fair, transparent, non-discriminatory and without prejudice to applicable Union legislation, including Regulations (EC) No 261/2004 and (EC) No 1107/2006. They shall be consistent, proportionate and relevant in relation to the quality of airport operations. In this regard due account shall be taken of the quality of customs, airport security and immigrations procedure.

5. The minimum quality standards shall be fair, transparent, non-discriminatory and without prejudice to applicable Union legislation, including Regulations (EC) No 261/2004 and (EC) No 1107/2006. They shall be consistent, proportionate and relevant in relation to the quality of airport operations. In this regard due account shall be taken of the quality of customs, airport security and immigrations procedure. ***They may lay down proportionate and appropriate instruments, in particular***

appropriate contractual penalties, by means of which the managing body of the airport can punish non-compliance with the minimum quality standards.

Or. de

Justification

The minimum quality standards must be enforced. The regulation should make explicit provision for this.

Amendment 462

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 32 – paragraph 6

Text proposed by the Commission

6. The minimum quality standards shall comply with specifications ***set by the Commission. The Commission shall be empowered to adopt those specifications by means of delegated acts in accordance with Article 42.***

Amendment

6. The minimum quality standards shall comply with the specifications ***laid down in Annex 1a to this Regulation.***

Or. de

Amendment 463

Jacqueline Foster

Proposal for a regulation

Article 32 – paragraph 6

Text proposed by the Commission

6. The minimum ***quality standards*** shall ***comply with specifications set by the Commission. The Commission shall be empowered to adopt those specifications by means of delegated acts*** in accordance with Article 42.

Amendment

6. ***Without prejudice to the requirements of national or European Union legislation, if a supplier of groundhandling services or a self-handling airport user fails to comply with the minimum standards referred to in this Article, the airport managing body shall,***

*in the first instance, seek to address the problem with reference to the Airport User's Committee. If this does not ensure compliance, a Member State may, where appropriate on a proposal from the airport managing body require the payment of financial penalties, restrict or prohibit the activities of a supplier of ground handling services or a self-handling airport user. The Member State shall inform the Commission and, where relevant, the competent authority concerned of any measure taken in accordance with **this paragraph**.*

*Member States may decide to apply the provisions of **this Article at airports other than those referred to in paragraph 2.***

Or. en

Justification

Union-wide standards are not appropriate in this context where there is such a wide variety of airport types, sizes and markets across the EU. Consumers will be better served if individual airports set their own standards in response to their particular markets and circumstances. There are sufficient market controls within the contractual relations between airports and airlines and between airlines and groundhandlers to ensure that quality standards are maintained.

Amendment 464 **Ramon Tremosa i Balcells**

Proposal for a regulation **Article 32 – paragraph 7**

Text proposed by the Commission

7. **Prior to establishing these standards** the airport managing body shall *consult* the Airport Users' Committee and the suppliers of groundhandling services.

Amendment

7. The airport managing body shall **establish these standards in consultation with** the Airport Users' Committee and the suppliers of groundhandling services.

Or. en

Justification

Considering the importance of the quality and performance of groundhandling services for airport users, minimum quality standards should not just be established after consultation of airport users and groundhandling companies, but in consultation. This is particularly true if minimum quality standards are to apply to centralised infrastructure as well and since in many cases the airport is also one of the undertakings providing groundhandling services

Amendment 465

Erik Bánki, Ádám Kósa

Proposal for a regulation

Article 32 – paragraph 7

Text proposed by the Commission

Amendment

7. Prior to establishing these standards **the airport managing body shall consult the Airport Users' Committee and the suppliers of groundhandling services.**

7. These standards shall be established in consultation with the suppliers of groundhandling services and in consultation with the Airport Users' Committee.

Or. en

Justification

Minimum quality standards must be defined by the tendering authority in agreement with airport users and the managing body of the airport. They must be established at the airport level and not dictated by the Commission. Given the importance of quality standards for airlines, the Airport Users' Committee must be directly involved in their definition and not merely consulted.

Amendment 466

Spyros Danellis

Proposal for a regulation

Article 32 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Without prejudice to paragraphs 1 to 7 of this article, the airport management body shall focus on the question of safety in evaluating compliance by groundhandling services with minimum

quality standards and shall take suitable action in accordance with standard procedures if it considers that the safety of the airport is being compromised.

Or. el

Justification

In order to maintain a ‘culture of security’, it is important to consider the groundhandling services from the point of view of airport safety, particularly in cases where non-compliance with quality standards is indicative of problems.

Amendment 467

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 32 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. If a supplier of groundhandling services fails to meet the minimum quality standards, the matter shall be referred to the Airport Users' Committee. On a proposal from the managing body of the airport, and once an appropriate period has elapsed, the Member State may then take proportionate and non-discriminatory measures to enforce the minimum quality standards.

Or. de

Amendment 468

Silvia-Adriana Țicău

Proposal for a regulation

Article 32 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this article and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission within one year after the entry into force of this Regulation, and shall notify it without delay of any subsequent amendment affecting them. The Member States shall ensure that the measures are implemented without discrimination.

The penalties referred to in the paragraph above shall include in particular suspension of authorisation to provide groundhandling services.

Or. ro

Amendment 469
Christine De Veyrac

Proposal for a regulation
Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

Reporting obligations on the performance of groundhandling services

1. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least three consecutive years, suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the

Commission.

2. The Commission shall be empowered to adopt detailed specifications regarding the content and dissemination of reporting obligations by means of a delegated act in accordance with Article 42.

Or. fr

Justification

These reporting obligations would be a considerable and unjustified administrative burden.

**Amendment 470
Dominique Vlasto**

**Proposal for a regulation
Article 33**

Text proposed by the Commission

Amendment

Article 33

deleted

Reporting obligations on the performance of groundhandling services

1. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least three consecutive years, suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

2. The Commission shall be empowered to adopt detailed specifications regarding the content and dissemination of reporting obligations by means of a delegated act in accordance with Article 42.

Or. fr

Justification

Increasing the number of reporting obligations is an excessive administrative burden for groundhandling services providers.

Amendment 471
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

Reporting obligations on the performance of groundhandling services

1. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least three consecutive years, suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

2. The Commission shall be empowered to adopt detailed specifications regarding the content and dissemination of reporting obligations by means of a delegated act in accordance with Article 42.

Or. de

Justification

Requiring service providers and self-handlers to submit reports on their operational performance to the Commission is excessive. Article 30(4) and (5) already provide for airports to submit reports to various bodies, which in turn then submit consolidated reports to the Commission. These arrangements should be enough. Excessive red tape should be avoided.

Amendment 472
Jacqueline Foster

Proposal for a regulation
Article 33

Article 33

deleted

Reporting obligations on the performance of groundhandling services

1. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least three consecutive years, suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

2. The Commission shall be empowered to adopt detailed specifications regarding the content and dissemination of reporting obligations by means of a delegated act in accordance with Article 42.

Or. en

Justification

Mandatory reporting requirements are costly for suppliers (and the Commission) to comply with and it is not clear to what purpose the data will be put. If the Commission or Member States believe that reports on the operational performance of groundhandlers are required then that can be considered in the committee procedure described in Article 43.

Amendment 473

Thomas Mann

Proposal for a regulation

Article 33 – paragraph 1

1. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least three consecutive years, suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

deleted

Amendment 474
Georges Bach

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

Amendment

1. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least three consecutive years, suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

deleted

Or. de

Amendment 475
Giommaria Uggias

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

Amendment

1. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least three consecutive years, suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

1. Suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

Or. it

Amendment 476
Sabine Wils

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. ***At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least three consecutive years,*** suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

Amendment

1. Suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

Or. en

Justification

No new additional threshold is needed.

Amendment 477
Eva Lichtenberger

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. At airports whose annual traffic has been not less than **5** million passenger movements or **100** 000 tonnes of freight for at least three consecutive years, suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

Amendment

1. At airports whose annual traffic has been not less than **10** million passenger movements or **200** 000 tonnes of freight for at least three consecutive years, suppliers of groundhandling services and self-handling airport users shall report on their operational performance to the Commission.

Or. en

Amendment 478
Georges Bach

Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt detailed specifications regarding the content and dissemination of reporting obligations by means of a delegated act in accordance with Article 42.

deleted

Or. de

Amendment 479
Silvia-Adriana Țicău

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

Amendment

1. Suppliers of groundhandling services and self-handling airport users shall **ensure that** all their employees involved in the provision of groundhandling services, including managing staff and supervisors, **regularly attend** specific and recurrent training to enable them to perform the tasks assigned to them.

1. Suppliers of groundhandling services and self-handling airport users shall **provide** all their employees involved in the provision of groundhandling services, including managing staff and supervisors, **with** specific and recurrent training to enable them to perform the tasks assigned to them.

Or. ro

Amendment 480
Jacqueline Foster

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

Amendment

1. Suppliers of groundhandling services and self-handling airport users shall ensure that all their employees involved in the provision of groundhandling services, including managing staff and supervisors, **regularly attend specific and recurrent training to enable them** to perform the

1. Suppliers of groundhandling services and self-handling airport users shall ensure **at their own expense** that all their employees involved in the provision of groundhandling services, including managing staff and supervisors **are sufficiently trained** to perform the tasks

tasks assigned to them.

assigned to them, *in particular when taking up a new job.*

Or. en

Justification

The proposed article on training is very detailed, for example prescribing the amount of time that should be spent on training for specific tasks. Again, this level of Union-wide standardisation is not appropriate for suppliers of widely differing types and sizes serving the very different airports across the Union. Instead contractual levers and market pressure is sufficient to ensure that training standards are appropriately applied.

Amendment 481
Jacqueline Foster

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

Amendment

2. Every employee involved in the provision of groundhandling services shall attend at least two days of training relevant for the tasks assigned to the employee. Every employee shall attend the relevant training when taking up a new job or when a new task is assigned to the employee.

deleted

Or. en

Justification

The proposed article on training is very detailed, for example prescribing the amount of time that should be spent on training for specific tasks. Again, this level of Union-wide standardisation is not appropriate for suppliers of widely differing types and sizes serving the very different airports across the Union. Instead contractual levers and market pressure is sufficient to ensure that training standards are appropriately applied.

Amendment 482
Wolf Klinz

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Every employee involved in the provision of groundhandling services shall attend **at least two days of** training relevant for the tasks assigned to the employee. Every employee shall attend the relevant training when taking up a new job or when a new task is assigned to the employee.

Amendment

2. Every employee involved in the provision of groundhandling services shall attend training relevant for the tasks assigned to the employee **and the requirements he or she must meet**. Every employee shall attend the relevant training when taking up a new job or when a new task is assigned to the employee.

Or. de

Amendment 483
Giommaria Uggias

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Every employee involved in the provision of groundhandling services shall attend at least **two** days of training relevant for the tasks assigned to the employee. Every employee shall attend the relevant training when taking up a new job or when a new task is assigned to the employee.

Amendment

2. Every employee involved in the provision of groundhandling services shall attend at least **five** days of training relevant for the tasks assigned to the employee. Every employee shall attend the relevant training when taking up a new job or when a new task is assigned to the employee.

Or. it

Amendment 484
Silvia-Adriana Țicău

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Every employee involved in the provision of groundhandling services shall attend at least two days **of training** relevant

Amendment

2. Every employee involved in the provision of groundhandling services shall attend **training sessions of** at least two

for the tasks assigned to the employee.
Every employee shall attend **the relevant** training when taking up a new job or when a new task is assigned to the employee.

days **duration** relevant for the tasks assigned to the employee. Every employee shall attend training **relevant for his new tasks** when taking up a new job or when a new task is assigned to the employee..

Or. ro

Amendment 485
Marian-Jean Marinescu

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Every employee involved in the provision of groundhandling services shall attend at least **two** days of training relevant for the tasks assigned to the employee. Every employee shall attend the relevant training when taking up a new job or when a new task is assigned to the employee.

Amendment

2. Every employee involved in the provision of groundhandling services shall attend at least **five** days of training relevant for the tasks assigned to the employee. Every employee shall attend the relevant training when taking up a new job or when a new task is assigned to the employee. **To complete the training, employees shall be required to sit a test to assess, in the interests of occupational safety and efficiency, whether they have assimilated the information provided in the training.**

Or. fr

Amendment 486
Vilja Savisaar-Toomast

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Every employee involved in the provision of groundhandling services shall attend at least **two** days of training relevant for the tasks assigned to the employee. Every employee shall attend the relevant training when taking up a new job or when

Amendment

2. Every employee involved in the provision of groundhandling services shall attend at least **five** days of training relevant for the tasks assigned to the employee. Every employee shall attend the relevant training when taking up a new job or when

a new task is assigned to the employee.

a new task is assigned to the employee.

Or. en

Amendment 487
Eva Lichtenberger

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Every employee involved in the provision of groundhandling services shall attend **at least two days of** training relevant for the tasks assigned to the employee. Every employee shall attend the relevant training when taking up a new job or when a new task is assigned to the employee.

Amendment

2. Every employee involved in the provision of groundhandling services shall attend **the** training relevant for the tasks assigned to the employee **and as foreseen by the working and social standards of the airport operator**. Every employee shall attend the relevant training when taking up a new job or when a new task is assigned to the employee.

Or. en

Amendment 488
Jacqueline Foster

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission

3. [...]

Amendment

deleted

Or. en

Justification

The proposed article on training is very detailed, for example prescribing the amount of time that should be spent on training for specific tasks. Again, this level of Union-wide standardisation is not appropriate for suppliers of widely differing types and sizes serving the very different airports across the Union. Instead contractual levers and market pressure is sufficient to ensure that training standards are appropriately applied.

Amendment 489
Silvia-Adriana Țicău

Proposal for a regulation
Article 34 – paragraph 3 – point m

Text proposed by the Commission

(m) environment, including control of spillages, discharge management and waste disposal;

Amendment

(m) ***measures for the protection of the*** environment, including control of spillages, discharge management and waste disposal;

Or. ro

Amendment 490
Jacqueline Foster

Proposal for a regulation
Article 34 – paragraph 4

Text proposed by the Commission

4. Every supplier of groundhandling services and self-handling airport user shall report annually on the compliance with its training obligation to the managing body of the airport.

Amendment

deleted

Or. en

Justification

The proposed article on training is very detailed, for example prescribing the amount of time that should be spent on training for specific tasks. Again, this level of Union-wide standardisation is not appropriate for suppliers of widely differing types and sizes serving the very different airports across the Union. Instead contractual levers and market pressure is sufficient to ensure that training standards are appropriately applied.

Amendment 491
Marian-Jean Marinescu

Proposal for a regulation
Article 34 – paragraph 4

Text proposed by the Commission

4. Every supplier of groundhandling services and self-handling airport user shall report annually on the compliance with its training obligation to the managing body of the airport.

Amendment

4. Every supplier of groundhandling services and self-handling airport user shall report annually on the compliance with its training obligation to the managing body of the airport, ***and on the result of the tests sat by the employees, in order to improve the training, where appropriate.***

Or. fr

Amendment 492
Jörg Leichtfried

Proposal for a regulation
Article 34 – paragraph 4 – point 1 (new)

Text proposed by the Commission

Amendment

(1) The cost of the training shall at all events be borne by the employer.

Or. de

Amendment 493
Sabine Wils

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to paragraphs (2), (3) and (4), suppliers of groundhandling services may engage in subcontracting.

1. In principle, subcontracting is not admissible.

Or. en

Justification

Subcontracting should not be authorised except in emergency cases.

Amendment 494
Thomas Mann, Georges Bach

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

1. Without prejudice to paragraphs (2), (3) and (4), suppliers of groundhandling services may engage in subcontracting.

Amendment

1. Without prejudice to paragraphs (2), (3) and (4), suppliers of groundhandling services may engage in subcontracting.
The requirements laid down in and the provisions of Articles 34 and 40 shall apply in the same way to subcontractors.

Or. de

Amendment 495
Dominique Vlasto, Christine De Veyrac, Michel Dantin

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

1. Without prejudice to paragraphs (2), (3) and (4), suppliers of groundhandling services may engage in subcontracting.

Amendment

1. Without prejudice to paragraphs (2), (3) and (4), suppliers of groundhandling services may engage in ***a level of subcontracting for each category of service.***

Or. fr

Justification

A single level of subcontracting should be authorised per category of service in order to prevent any form of cascade subcontracting.

Amendment 496
Werner Kuhn

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

Amendment

2. Self-handling airport users may subcontract groundhandling services only where they are temporarily unable to perform self-handling due to force majeure. *deleted*

Or. de

Amendment 497
Inés Ayala Sender

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

Amendment

2. Self-handling airport users may subcontract groundhandling services only where they are temporarily unable to perform self-handling due to force majeure. *deleted*

Or. en

Justification

Cases of force majeure generally occur suddenly and unexpectedly. In such cases, in the interests of the air transport system, a solution must be found quickly and extremely efficiently. Precisely in cases like this, it is not practicable for self-handlers to switch to subcontractors. Instead, in this event, a service supplier operating at the airport must be called upon.

Amendment 498
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

Amendment

2. Self-handling airport users may subcontract groundhandling services only where they are temporarily unable to perform self-handling due to force majeure.

deleted

Or. de

Justification

By definition, cases of force majeure arise suddenly and unexpectedly. In such cases solutions must be found quickly and efficiently, in the interests of the air transport system. At such times it is simply not practicable for self-handlers to subcontract. They would be much more likely to seek assistance from firms providing services at the airport in question.

Amendment 499
Thomas Mann, Georges Bach

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

Amendment

2. Self-handling airport users may subcontract groundhandling services only where they are temporarily unable to perform self-handling due to force majeure.

2. Self-handling airport users may subcontract groundhandling services only where they are temporarily unable to perform self-handling due to force majeure. ***The requirements laid down in and the provisions of Articles 34 and 40 shall apply in the same way to subcontractors.***

Or. de

Amendment 500
Erik Bánki, Ádám Kósa

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. A supplier of groundhandling services as referred to in Article 11 (1) may not subcontract groundhandling services except if it is temporarily unable to provide these groundhandling services due to force majeure. *deleted*

Or. en

Justification

As stated in Recital 13, “[i]f effective and fair competition is to be maintained where the number of suppliers of groundhandling services is limited, those suppliers need to be chosen according to an open, transparent and non-discriminatory tender procedure.” Article 11 should be deleted as it is in complete contradiction with Recital 13 and the objectives of the Commission’s proposal. The amendment to Article 35(4) must only be adopted in conjunction with the deletion of Article 11.

Amendment 501
Werner Kuhn

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. A supplier of groundhandling services as referred to in Article 11 (1) may not subcontract groundhandling services except if it is temporarily unable to provide these groundhandling services due to force majeure. *deleted*

Or. de

Amendment 502
Inés Ayala Sender

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. A supplier of groundhandling services as referred to in Article 11 (1) may not subcontract groundhandling services except if it is temporarily unable to provide these groundhandling services due to force majeure. **deleted**

Or. en

Justification

The right to subcontract also for airports will help to develop the region. It enables small regional enterprises to receive orders. The airports groundhandling services could, also in a crises, offer services for passengers easier than independent groundhandlers. Therefore in the passengers interest airport groundhandling services should not be disadvantaged versus independent groundhandlers.

Amendment 503

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. A supplier of groundhandling services as referred to in Article 11 (1) may not subcontract groundhandling services except if it is temporarily unable to provide these groundhandling services due to force majeure. **deleted**

Or. de

Justification

The ban on subcontracting places airports at a further competitive disadvantage. In conjunction with the requirement concerning legal separation and the strict ban on any form of cross-subsidisation, it creates a set of rules which worsen the competitive position of airport groundhandling services to an unacceptable degree. It is difficult to avoid the impression that in this way airports are effectively being forced to leave the market in groundhandling services.

Amendment 504
Vilja Savisaar-Toomast

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. A supplier of groundhandling services as referred to in Article 11 (1) may not subcontract groundhandling services except if it is temporarily unable to provide these groundhandling services due to force majeure. **deleted**

Or. en

Amendment 505
Debora Serracchiani

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. A supplier of groundhandling services as referred to in Article 11 (1) **may** not subcontract groundhandling services except if it is temporarily unable to provide these groundhandling services due to force majeure.

4. A supplier of groundhandling services as referred to in Article 11 (1) **shall** not subcontract groundhandling services except if it is temporarily unable to provide these groundhandling services due to force majeure.

Or. en

Amendment 506
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. A supplier of groundhandling services as

4. A supplier of groundhandling services as

referred to in Article 11 (1) may not subcontract groundhandling services except *if it is temporarily unable to provide these groundhandling services due to force majeure.*

referred to in Article 11 (1) may not subcontract groundhandling services, except:

Or. de

Amendment 507
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 35 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(a) if it is temporarily unable to provide these groundhandling services due to force majeure.

Or. de

Amendment 508
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 35 – paragraph 4 – point b (new)

Text proposed by the Commission

Amendment

(b) if it takes part in the tendering procedure pursuant to Articles 7 to 10.

Or. de

Justification

If the managing body of the airport itself provides groundhandling services or controls an undertaking which does so, it may subcontract provided that the supplier of groundhandling services takes part in the tendering procedure. The original wording of the proposal did not make this clear.

Amendment 509

Sabine Wils

Proposal for a regulation

Article 35 – paragraph 5

Text proposed by the Commission

5. Any supplier of groundhandling services and self-handling airport user using one or more subcontractors shall ensure that the subcontractors comply with the obligations on suppliers of groundhandling services under this Regulation.

Amendment

5. Any supplier of groundhandling services and self-handling airport user using one or more subcontractors shall ensure that the subcontractors comply with **all** the obligations on suppliers of groundhandling services under this Regulation, **including safety and protection measures regarding working conditions of the employed staff**.

Or. en

Justification

Sub-contractors asked to provide services in emergency cases due to force majeure must comply to all obligations undertaken especially in protecting working conditions by the groundhandling supplier or the self-handler.

Amendment 510

Dominique Vlasto, Christine De Veyrac, Michel Dantin

Proposal for a regulation

Article 35 – paragraph 5

Text proposed by the Commission

5. Any supplier of groundhandling services and self-handling airport user using **one or more subcontractors** shall ensure that the **subcontractors comply** with the obligations on suppliers of groundhandling services under this Regulation.

Amendment

5. Any supplier of groundhandling services and self-handling airport user using **a subcontractor for a category of service** shall ensure that the **subcontractor complies** with the obligations on suppliers of groundhandling services under this Regulation.

Or. fr

Justification

A single level of subcontracting should be authorised per category of service in order to

prevent any form of cascade subcontracting.

Amendment 511
Giommaria Uggias

Proposal for a regulation
Article 35 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Only operators that have demonstrated that they are qualified and reliable shall be awarded subcontracts.

Or. it

Amendment 512
Giommaria Uggias

Proposal for a regulation
Article 35 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. The contracting entity may restrict the number of subcontractors when this is required on the grounds of space or capacity.

Or. it

Amendment 513
Dominique Vlasto, Christine De Veyrac, Michel Dantin

Proposal for a regulation
Article 35 – paragraph 6

Text proposed by the Commission

Amendment

6. Any supplier of groundhandling services and self-handling airport user using ***one or more subcontractors*** shall inform the managing body of the airport of the name

6. Any supplier of groundhandling services and self-handling airport user using ***a subcontractor for a category of service*** shall inform the managing body of the

and activities of the *subcontractors* concerned.

airport of the name and activities of the *subcontractor* concerned.

Or. fr

Justification

A single level of subcontracting should be authorised per category of service in order to prevent any form of cascade subcontracting.

Amendment 514

Sabine Wils

Proposal for a regulation

Article 35 – paragraph 7

Text proposed by the Commission

Amendment

7. Where a supplier of groundhandling services applies for an authorisation to provide groundhandling services under the selection procedure laid down in Article 7, it shall indicate the number, activities and names of the subcontractors it intends to use.

deleted

Or. en

Justification

As sub-contracting is not admissible these references are not necessary.

Amendment 515

Dominique Vlasto, Christine De Veyrac, Michel Dantin

Proposal for a regulation

Article 35 – paragraph 7

Text proposed by the Commission

Amendment

7. Where a supplier of groundhandling services applies for an authorisation to provide groundhandling services under the selection procedure laid down in Article 7,

7. Where a supplier of groundhandling services applies for an authorisation to provide groundhandling services under the selection procedure laid down in Article 7,

it shall indicate the **number**, activities and **names** of the **subcontractors** it intends to use.

it shall indicate **for each category of service** the activities and name of the **subcontractor** it intends to use.

Or. fr

Justification

A single level of subcontracting should be authorised per category of service in order to prevent any form of cascade subcontracting.

Amendment 516

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 35 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. A supplier of groundhandling services may not subcontract groundhandling services except if it is temporarily unable to provide the services in question due to force majeure.

Or. de

Amendment 517

Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a regulation

Article 36 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Without prejudice to the international commitments of the Union, the Commission may, in accordance with the examination procedure referred to in Article 43 (3), decide that **a Member State or Member States** shall take measures, including the complete or partial suspension of the right of access to the groundhandling market within its territory

1. Without prejudice to the international commitments of the Union, the Commission may, **on its own initiative or at the request of a Member State**, in accordance with the examination procedure referred to in Article 43 (3), decide that **the Member States of the European Union** shall take measures, including the complete or partial suspension of the right of access

in respect of suppliers of groundhandling services and self-handling airport users from that third country, with a view to remedying the discriminatory behaviour of the third country concerned, whenever it appears that a third country, with respect to access to the groundhandling or self-handling market:

to the groundhandling market within its territory in respect of suppliers of groundhandling services and self-handling airport users from that third country, with a view to remedying the discriminatory behaviour of the third country concerned, whenever it appears that a third country, with respect to access to the groundhandling or self-handling market:

Or. fr

Justification

Decisions regarding such sanctions should be taken at the level of the Commission on its own initiative or at the request of a Member State under a comitology procedure. The measures should be applied in the European Union as a whole, and not within the territory of a single Member State. They would thus be more effective, thereby justifying EU-level action.

Amendment 518 **Jacqueline Foster**

Proposal for a regulation **Article 36 – paragraph 1 – introductory part**

Text proposed by the Commission

1. Without prejudice to the international commitments of the Union, the Commission may, in accordance with the examination procedure referred to in Article 43 (3), decide that a Member State or Member States shall take measures, including the complete or partial suspension of the right of access to the groundhandling market within its territory in respect of suppliers of groundhandling services and self-handling airport users from that third country, with a view to remedying the discriminatory behaviour of the third country concerned, whenever it appears that a third country, with respect to access to the groundhandling or self-handling market:

Amendment

1. Without prejudice to the international commitments of the Union, the Commission may, in accordance with the examination procedure referred to in Article 43 (3), decide that a Member State or Member States shall take measures, including the complete or partial suspension of the right of access to the groundhandling market within its territory in respect of suppliers of groundhandling services and self-handling airport users from that third country, with a view to remedying the discriminatory behaviour of the third country concerned, whenever it appears that a third country, with respect to access to the groundhandling or self-handling market:

Or. en

Justification

Commission proposal extends powers to the Commission with respect to Member States' relations with third countries. However, bilateral relations with third countries are not an area of Commission competence; the proposed extension of these powers to the Commission is, therefore, not warranted.

Amendment 519
Jacqueline Foster

Proposal for a regulation
Article 36 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. A Member State may wholly or partially suspend the obligations arising from this Regulation in respect of suppliers of groundhandling services and airport users from that third country, in accordance with Union law.

Or. en

Justification

Commission proposal extends powers to the Commission with respect to Member States' relations with third countries. However, bilateral relations with third countries are not an area of Commission competence; the proposed extension of these powers to the Commission is, therefore, not warranted.

Amendment 520
Giommaria Uggias

Proposal for a regulation
Article 38 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) list of Union airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years; ***deleted***

Amendment 521

Sabine Wils

Proposal for a regulation

Article 38 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) list of Union airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years;

deleted

Or. en

Justification

No new additional threshold is needed.

Amendment 522

Eva Lichtenberger

Proposal for a regulation

Article 38 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) list of Union airports whose annual traffic has been not less than **5** million passenger movements or **100** 000 tonnes of freight for at least the previous three years;

(a) list of Union airports whose annual traffic has been not less than **10** million passenger movements or **200** 000 tonnes of freight for at least the previous three years;

Or. en

Amendment 523

Dieter-Lebrecht Koch

Proposal for a regulation

Article 38 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) list of Union airports whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years;

deleted

Or. de

Amendment 524
Eva Lichtenberger

Proposal for a regulation
Article 38 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) list of Union airports whose annual traffic has been not less than **2** million passenger movements or **50** 000 tonnes of freight for at least the previous three years;

(b) list of Union airports whose annual traffic has been not less than **5** million passenger movements or **100** 000 tonnes of freight for at least the previous three years;

Or. en

Amendment 525
Jörg Leichtfried

Proposal for a regulation
Article 39 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Commission shall submit a report to the European Parliament and the Council on the implementation of this Regulation not later than 5 years after the date of application of this Regulation. The report shall in particular assess any significant impact on the quality of groundhandling services, employment and working conditions. The report shall include the following set of indicators and criteria for a sample of airports:

1. The Commission shall submit a report to the European Parliament and the Council on the implementation of this Regulation not later than 5 years after the date of application of this Regulation. The report shall in particular assess any significant impact on the quality of groundhandling services, employment and working conditions. The report shall include the following set of indicators and criteria for a sample of airports:

Justification

Die KOM legt dem EP und dem Rat spätestens fünf Jahre nach dem Geltungsbeginn der VO einen Bericht über deren Anwendung vor. Dieser enthält eine Reihe von Kriterien, der um weitere Kriterien ergänzt werden soll: Anzahl der Beschäftigten bei Bodenabfertigungsdienstleistern und der Beschäftigten bei selbst abfertigenden Fluggesellschaften. Lit o sieht einen Bericht über Beschäftigungs- und Arbeitsbedingungen vor, sollte aber um die Lohnentwicklung der Tarif- und Reallöhne ergänzt werden.

Amendment 526

Phil Bennion, Philippe De Backer

Proposal for a regulation

Article 39 – paragraph 1 – point e

Text proposed by the Commission

(e) opinion of stakeholders on the approval system (approval criteria, implementation issues, price etc.);

Amendment

(e) opinion of stakeholders on the approval system (approval criteria, implementation issues, price, **administrative process**, etc.);

Or. en

Justification

The level of administrative and cost burden of the approval system should be reviewed

Amendment 527

Spyros Danellis

Proposal for a regulation

Article 39 – paragraph 1 – point j

Text proposed by the Commission

j) safety accidents involving groundhandling services

Amendment

j) safety accidents **and incidents** involving groundhandling services

Or. el

Amendment 528

Spyros Danellis

Proposal for a regulation

Article 39 – paragraph 1 – point m

Text proposed by the Commission

m) training features;

Amendment

m) training features, ***including content and regularity;***

Or. el

Amendment 529

Philippe De Backer, Ramon Tremosa i Balcells, Phil Bennion, Wolf Klinz

Proposal for a regulation

Article 39 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The report shall also assess whether complete liberalisation of the groundhandling market is necessary and acceptable. If this is appropriate, a revision of this Regulation might be proposed.

Or. en

Amendment 530

Jörg Leichtfried

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

Without prejudice to the application of this Regulation, and subject to the other provisions of Union law, Member States ***may*** take the necessary measures to ensure protection of rights of workers.

Amendment

Without prejudice to the application of this Regulation, and subject to the other provisions of Union law, Member States ***shall*** take the necessary measures to ensure protection of rights of workers.

Or. de

Justification

The protection of workers' rights must not be left to the Member States' discretion. It must be made absolutely clear that the Member States must take the necessary measures to ensure the protection of workers' rights.

Amendment 531
Silvia-Adriana Țicău

Proposal for a regulation
Article 40 – paragraph 1

Text proposed by the Commission

Without prejudice to the application of this Regulation, and subject to the other provisions of Union law, Member States **may** take the necessary measures to ensure protection of rights of workers.

Amendment

Without prejudice to the application of this Regulation, and subject to the other provisions of Union law, Member States **shall** take the necessary measures to ensure protection of rights of workers.

Or. ro

Amendment 532
Eva Lichtenberger

Proposal for a regulation
Article 40 – paragraph 1

Text proposed by the Commission

Without prejudice to the application of this Regulation, and subject to the other provisions of Union law, Member States **may** take the necessary measures to ensure protection of rights of workers.

Amendment

Without prejudice to the application of this Regulation, and subject to the other provisions of Union law, Member States **shall** take the necessary measures to ensure protection of rights of workers.

Or. en

Amendment 533
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 22, **32**, and 33 shall be conferred for an indeterminate period of time from the date of entry into force of this Regulation.

Amendment

2. The delegation of power referred to in Articles **9(3)[da]**, 22 and 33 shall be conferred for an indeterminate period of time from the date of entry into force of this Regulation.

Or. de

Amendment 534
Silvia-Adriana Țicău

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 22, 32, and 33 shall be conferred for ***an indeterminate period of time*** from the date of entry into force of this Regulation.

Amendment

2. The delegation of power referred to in Articles 22, 32, and 33 shall be conferred ***seven years*** from the date of entry into force of this Regulation..

The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Or. ro

Amendment 535
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

3. The delegation of powers referred to in Articles 22, **32**, and 33 may be revoked at any time by the European Parliament or by the Council. A revocation decision shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles **9(3)[da]**, 22 and 33 may be revoked at any time by the European Parliament or by the Council. A revocation decision shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. de

Amendment 536

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 42 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 22, **32**, and 33 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to Articles **9(3)[da]**, 22 and 33 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. de

Amendment 537

Giommaria Uggias

Proposal for a regulation
Article 45 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports where only two suppliers were selected per category of services pursuant to Article 6 (2) of Directive 96/67/EC and where a minimum number of three suppliers are to be selected pursuant to Article 6 (2) of this Regulation, a selection procedure in accordance with Articles 7 to 13 of this Regulation shall be organised so that the third supplier is selected and able to start operations not later than one year after the date of application of this Regulation. *deleted*

Or. it

Amendment 538
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 45 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports where only two suppliers were selected per category of services pursuant to Article 6 (2) of Directive 96/67/EC and where a minimum number of three suppliers are to be selected pursuant to Article 6 (2) of this Regulation, a selection procedure in accordance with Articles 7 to 13 of this Regulation shall be organised so that the third supplier is selected and able to start operations not later than one year after the date of application of this Regulation. *deleted*

Or. de

Amendment 539
Sabine Wils

Proposal for a regulation
Article 45 – paragraph 2

Text proposed by the Commission

Amendment

2. At airports where only two suppliers were selected per category of services pursuant to Article 6 (2) of Directive 96/67/EC and where a minimum number of three suppliers are to be selected pursuant to Article 6 (2) of this Regulation, a selection procedure in accordance with Articles 7 to 13 of this Regulation shall be organised so that the third supplier is selected and able to start operations not later than one year after the date of application of this Regulation. **deleted**

Or. en

Justification

The deletion of such a provision is related to the rejection of the new threshold proposed by the European Commission.

Amendment 540
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 45 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Tendering procedures shall be completed in accordance with existing law if the relevant call for tenders had already been published in the Official Journal of the European Union at the time this Regulation entered into force.

Or. de

Justification

Tendering procedures started but not completed before the entry into force of the regulation

must continue to be covered by existing law.

Amendment 541

Karin Kadenbach, Matthias Grootte

Proposal for a regulation

Annex 1 – point 1 – point 1.1 a (new)

Text proposed by the Commission

Amendment

1.1a. Mandatory minimum requirements in the area of health protection:

(a) prevention and reduction of specific health risks by means of appropriate behaviour- and health-related exercise programmes, including measures to reduce work-related strain on the locomotor system;

(b) measures to improve stress-management skills, health-literate management, measures to encourage relaxation;

(b) regular preventive check-ups.

Or. de

Justification

The greater the pressure on suppliers of groundhandling services becomes, the less money they will have available for the measures outlined in the amendment. If no mandatory health protection provisions are laid down, nothing will be done. Health protection measures are particularly important in areas where jobs involve intensive physical labour. The first liberalisation package already increased the pressure on workers enormously. The prevalence of ailments affecting the locomotor system is increasing.

Amendment 542

Dieter-Lebrecht Koch

Proposal for a regulation

Annex 1 – point 4 – point 4.1

Text proposed by the Commission

4.1. for freight: physical handling of export, transfer and import freight, handling of related documents, customs procedures and implementation of any security procedure agreed between the parties or required by the circumstances;

Amendment

4.1. for freight: physical handling of export, transfer and import freight, handling of related documents, customs procedures and implementation of any security procedure agreed between the parties or required by the circumstances, ***except if these services are provided on the premises belonging to the undertaking at the airport;***

Or. de

Amendment 543
Dieter-Lebrecht Koch

Proposal for a regulation
Annex 1 – point 4 – point 4.2

Text proposed by the Commission

4.2. for mail: physical handling of incoming and outgoing mail, handling of related documents and implementation of any security procedure agreed between the parties or required by the circumstances.

Amendment

4.2. for mail: physical handling of export, transfer and import freight, handling of related documents, customs procedures and implementation of any security procedure agreed between the parties or required by the circumstances, ***except if these services are provided on the premises belonging to the undertaking at the airport;***

Or. de

Amendment 544
Christine De Veyrac, Jim Higgins, Michel Dantin

Proposal for a regulation
Annex 1 – point 5 – point 5.4

Text proposed by the Commission

5.4. the loading and unloading of the aircraft, including the provision and operation of suitable means, as well as the

Amendment

5.4. the loading and unloading of the aircraft, including the provision and operation of suitable means, the transport

transport of crew and passengers between the aircraft and the terminal, **and** baggage transport between the aircraft and the terminal;

of crew and passengers between the aircraft and the terminal, baggage transport between the aircraft and the terminal, **and the loading and unloading of wheelchairs and other mobility equipment and assistive devices for persons with reduced mobility;**

Or. fr

Justification

The role of the service provider in handling equipment used by persons with reduced mobility should be specified.

Amendment 545
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Annex 1 a (new)

Text proposed by the Commission

Amendment

LIST OF MINIMUM QUALITY STANDARDS

The minimum quality standards shall be laid down pursuant to Article 32. The Airport Users' Committee shall take a decision on any additions to the minimum quality standards which may be required. The standards shall cover:

(1) Minimum quality standards for operational activities:

(a) passenger handling

- maximum waiting time for baggage check-in. A maximum waiting time may be set for the airport as a whole or for an individual terminal

- maximum time for transferring passengers between connecting flights

(b) baggage handling

- maximum time for delivery of first item of baggage. A maximum waiting time may

be set for the airport as a whole or for an individual terminal

- maximum time for delivery of last item of baggage. A maximum waiting time may be set for the airport as a whole or for an individual terminal

- maximum time for delivery of baggage during transfer between connecting flights A maximum waiting time may be set for the airport as a whole or for an individual terminal

(c) freight and mail handling

- maximum time for delivery of freight and mail. A maximum waiting time may be set for the airport as a whole or for an individual terminal

- maximum time for delivery of freight and mail during transfer between connecting flights A maximum waiting time may be set for the airport as a whole or for an individual terminal

(d) winter operations

- maximum time for de-icing an aircraft

- minimum stock of de-icing fluid

(e) ramp handling

- maximum time for passenger boarding/disembarkation

(f) ramps cleared of foreign objects and debris (FOD)

(2) Minimum quality standards for training:

- regular participation in training courses organised by the airport on activities in restricted areas of the airport, security and safety, crisis management and environmental protection

(3) Minimum quality standards for passenger information and assistance:

(a) displaying real-time information on baggage delivery times

(b) displaying real-time information on

delayed and cancelled flights

(c) minimum number of staff members able to provide information at the gate

(d) minimum number of staff members able to accept complaints or information about lost baggage

(4) Minimum quality standards for equipment:

- number and availability of assistance vehicles for passengers/baggage/aircraft

(5) Minimum quality standards relating to safety:

- possession of a safety management system (SMS) and an obligation to coordinate this with the airport's safety system

- accident and incident reporting

(6) Minimum quality standards relating to security:

- possession of a security management system in line with Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and an obligation to coordinate this with the airport's security system

(7) Minimum quality standards relating to contingency planning

- possession of a contingency plan (including action to be taken in the event of heavy snowfall) and an obligation to coordinate this with the airport's plan

(8) Environment

- reporting of incidents that affect the environment (e.g. leaks)

- gases emitted by the vehicles used

¹ OJ L 97, 9.4.2008, p. 72.

Or. de

