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Committee on Transport and Tourism

2011/0397(COD)

10.10.2012

AMENDMENTS

53 - 249

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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United in diversity

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Amendment 53
Eva Lichtenberger

Draft legislative resolution
Paragraph 1

Proposal for a regulation

Amendment

***The European Parliament rejects the
Commission proposal.***

Or. en

Amendment 54
Sabine Wils

Draft legislative resolution
Paragraph 1

Proposal for a regulation

Amendment

***The European Parliament rejects the
Commission proposal.***

Or. en

Amendment 55
Georges Bach, Bogusław Liberadzki, Michael Gahler

Draft legislative resolution
Paragraph 1

Proposal for a regulation

Amendment

***The European Parliament rejects the
Commission proposal.***

Or. en

Justification

To proceed by a regulation directly applicable and without possibility of transposition into national law, and to fix a minimum number of operators without considering the local situation in terms of economic and infrastructure circumstances, does not respect the principles of subsidiarity and proportionality. The objectives of the proposal have already largely been met by the transposition into national law of Directive 96/67/EC.

Amendment 56
Eva Lichtenberger

Draft legislative resolution
Paragraph 2

Draft legislative resolution

2. Calls on the Commission to ***refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;***

Amendment

2. Calls on the Commission to ***amend its proposal substantially or replace it with another text, improving the social situation of groundhandling workers and the quality of groundhandling services at airports;***

Or. en

Amendment 57
Georges Bach, Bogusław Liberadzki, Michael Gahler

Draft legislative resolution
Paragraph 2

Proposal for a regulation

Amendment

The European Parliament rejects the Commission proposal.

Or. en

Justification

To proceed by a regulation directly applicable and without possibility of transposition into national law, and to fix a minimum number of operators without considering the local situation in terms of economic and infrastructure circumstances, does not respect the principles of subsidiarity and proportionality. The objectives of the proposal have already

largely been met by the transposition into national law of Directive 96/67/EC.

Amendment 58

Marian-Jean Marinescu

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Airports and groundhandling services are essential to the proper functioning of air transport and are a key function in the aviation chain. Groundhandling services cover all ground-based aviation-related activities carried out for individual airlines at airports.

Amendment

(2) Airports and groundhandling services are essential to the proper functioning **and security** of air transport and are a key function in the aviation chain. Groundhandling services cover all ground-based aviation-related activities carried out for individual airlines at airports.

Or. fr

Amendment 59

Thomas Mann, Georges Bach

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Further gradual opening of the groundhandling market and the introduction of harmonised requirements for the provision of groundhandling services are likely to enhance the efficiency and overall quality of groundhandling services for airlines as well as for passengers and freights forwarders. This should improve the quality of overall airport operations.

Amendment

deleted

Or. de

Amendment 60
Sabine Wils

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) **Further gradual** opening of the groundhandling market **and** the introduction of harmonised requirements for the provision of groundhandling services **are likely** to enhance the efficiency and overall quality of groundhandling services for airlines as well as for passengers and freights forwarders. **This should improve the quality of overall airport operations.**

Amendment

(5) Opening of the groundhandling market **could work only by** the introduction of harmonised requirements for the provision of groundhandling services to enhance the efficiency and overall quality of groundhandling services for airlines as well as for passengers and freights forwarders. **To generate such results it is necessary to establish appropriate rules.**

Or. en

Justification

Only appropriate and harmonized rules could improve working conditions and efficiency of the already opened sector of groundhandling services.

Amendment 61
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) **Further gradual opening of the groundhandling market and** the introduction of harmonised requirements for the provision of groundhandling services **are likely to** enhance the efficiency and overall quality of groundhandling services for airlines **as well as for** passengers and *freights* forwarders. **This should improve the quality of overall airport operations.**

Amendment

(5) The introduction of harmonised requirements **and quality standards** for the provision of groundhandling services **will** enhance the efficiency and overall quality of groundhandling services for airlines, passengers and *freight* forwarders **as well as workers in the sector.**

Amendment 62
Jörg Leichtfried

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The more providers there are, the greater the pressure on employees. It is therefore essential to harmonise social framework conditions in the sector and to make the observance of collective agreements compulsory.

Or. de

Amendment 63
Thomas Mann

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Ecorys study of groundhandling services, which the Commission cites repeatedly, concludes that, as a result of the first opening-up of the market, jobs have become more insecure and the number of short-term contracts has increased. Trade unions in the EU have also pointed out that levels of pay in the groundhandling sector have not kept pace with inflation or with the average rate of pay increases. Full opening of the market would drastically worsen workers' circumstances. In these circumstances, robust social protection provision is needed to shield workers from negative consequences. Articles 12, 39 and 40 make such provision.

Amendment 64

Knut Fleckenstein, Jörg Leichtfried, Petra Kammerevert

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) Considering the new need for minimum, harmonised quality standards at airports to implement the gate-to-gate approach for the realisation of the Single European Sky and the need for further harmonisation to fully exploit the benefits of the gradual opening of the groundhandling market in terms of increased quality and efficiency of groundhandling services, Directive 96/67/EC should therefore be replaced by a Regulation.

deleted

Amendment 65

Sabine Wils

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) Considering the new need for minimum, harmonised quality standards at airports to implement the gate-to-gate approach for the realisation of the Single European Sky and the need for further harmonisation to fully exploit the benefits of the ***gradual opening of the*** groundhandling market in terms of increased quality and efficiency of groundhandling services, Directive 96/67/EC should therefore be replaced by a

(6) Considering the new need for minimum, harmonised quality standards at airports to implement the gate-to-gate approach for the realisation of the Single European Sky and the need for further harmonisation to fully exploit the benefits of the groundhandling market in terms of increased quality and efficiency of groundhandling services, Directive 96/67/EC should therefore be replaced by a Regulation.

Regulation.

Or. en

Justification

Groundhandling services are already operating in an open market.

Amendment 66

Sabine Wils

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) **Free** access to the groundhandling market is consistent with the efficient operation of Union airports, provided relevant safeguards are put in place. **Free access to the groundhandling market should be introduced gradually and be adapted to the requirements of** the sector.

Amendment

(7) Access to the groundhandling market is consistent with the efficient operation of Union airports, provided relevant safeguards are put in place **improving the social situation of workers and preventing any negative results for safety and security in** the sector.

Or. en

Justification

The key safeguards to be put in place should regard the social conditions of workers and how to improve safety requirements in the sector.

Amendment 67

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) **Free access to** the groundhandling market is consistent with the efficient operation of Union airports, provided relevant safeguards are **put in place. Free**

Amendment

(7) **Further opening of** the groundhandling market is consistent with the efficient operation of Union airports, provided relevant safeguards **and employment**

access to the groundhandling market should be introduced gradually and be adapted to the requirements of the sector.

standards are guaranteed.

Or. de

Amendment 68
Thomas Mann, Georges Bach

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Free access to the groundhandling market is consistent with the efficient operation of Union airports, provided relevant safeguards are put in place. Free access to the groundhandling market should be *introduced gradually and be adapted to the requirements of the sector.*

Amendment

(7) Free access to the groundhandling market is consistent with the efficient operation of Union airports, provided relevant safeguards *and precautionary provisions for quality and employment conditions* are put in place. Free access to the groundhandling market should be adapted to the requirements of the sector.

Or. de

Amendment 69
Inés Ayala Sender

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) *Free* access to the groundhandling market is consistent with the efficient operation of Union airports, provided relevant safeguards are put in place. Free access to the groundhandling market should be introduced gradually and be adapted to the requirements of the sector.

Amendment

(7) *A gradual* access to the groundhandling market is consistent with the efficient operation of Union airports, provided relevant safeguards are put in place. Free access to the groundhandling market should be introduced gradually *but not before the improvement of the social situation of the workers and the prevention of any negative results for safety and security* and be adapted to the requirements of the sector.

Amendment 70

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

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) As free market access is the norm in EU transport policy, the complete liberalisation of the groundhandling market should be the ultimate goal.

Justification

The trend in EU transport policy is further opening of markets. It is therefore difficult to understand why the groundhandling market still stays restricted. Complete opening of the market should therefore be the ultimate goal.

Amendment 71

Thomas Mann, Georges Bach

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) Gradual opening of the market under Directive 96/67/EC has already produced positive results in terms of improved efficiency and quality. It is therefore appropriate to proceed with further gradual opening.

deleted

Amendment 72

Sabine Wils

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Gradual opening of the market under Directive 96/67/EC has already produced positive results in terms of improved efficiency and quality. It is therefore appropriate to ***proceed with further gradual opening.***

Amendment

(8) Gradual opening of the market under Directive 96/67/EC has already produced positive results in terms of improved efficiency and quality ***but less social protection and stability for the workers.*** It is therefore appropriate to ***enhance those protections.***

Or. en

Justification

Opening the market in the groundhandling services stimulated efficiency but failed in improving quality in working conditions and protection measures of the concerned workers.

Amendment 73
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Gradual opening of the market under Directive 96/67/EC has ***already produced positive*** results in terms of improved efficiency ***and*** quality. ***It is therefore appropriate to proceed with further gradual opening.***

Amendment

(8) Gradual opening of the market under Directive 96/67/EC has produced ***mixed*** results in terms of improved efficiency, quality ***and employment conditions.***

Or. de

Amendment 74
Sabine Wils

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Every airport user should be allowed to self-handle. **At the same time** it is necessary to maintain a clear and restrictive definition of self-handling in order to avoid abuse and negative impacts on the third-party handling market.

Amendment

(9) Every airport user should be allowed to self-handle **if the choice of groundhandling suppliers is not sufficient and if the airport users' requirements are not met. However,** it is necessary to maintain a clear and restrictive definition of self-handling in order to avoid abuse and negative impacts on the third-party handling market.

Or. en

Justification

Self handling should be allowed only if groundhandling suppliers are not sufficient to meet airport users' requirements.

Amendment 75

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) For certain categories of groundhandling services, access to the market may come up against safety, security, capacity and space availability constraints. It should therefore be possible to limit the number of authorised suppliers of such groundhandling services.

Amendment

(10) For certain categories of groundhandling services, access to the market may come up against safety, security, capacity and space availability constraints. It should therefore be possible to limit the number of authorised suppliers of such groundhandling services **and self-handling airport users.**

Or. de

Amendment 76

Michael Gahler, Markus Ferber

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) For certain categories of groundhandling services, access to the market may come up against safety, security, capacity and space availability constraints. It should therefore be possible to limit the number of authorised suppliers of such groundhandling services.

Amendment

(10) For certain categories of groundhandling services, access to the market may come up against safety, security, capacity and space availability constraints. It should therefore be possible to limit the number of authorised suppliers of such groundhandling services. ***For certain categories of groundhandling services, Member States must continue to be afforded regulatory discretion to limit the number of suppliers in the interests of maintaining productivity and retaining tried and tested structures.***

Or. de

Justification

The efficiency of groundhandling services declines when the number of suppliers increases. Even where there are two suppliers the challenges in terms of human resources deployment are huge because the workload fluctuates greatly in the course of day and the situation is further aggravated when flight arrivals and departures are brought forward or delayed. The impact of the uneven work pattern is increased by further division of the groundhandling market, and productivity declines significantly.

Amendment 77
Eva Lichtenberger

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) For certain categories of groundhandling services, access to the market may come up against safety, security, capacity and space availability constraints. It should therefore be possible to limit the number of authorised suppliers of such groundhandling services.

Amendment

(10) For certain categories of groundhandling services, access to the market may come up against safety, security, capacity and space availability constraints. It should therefore be possible to limit the number of authorised suppliers of such groundhandling services. ***For***

certain groundhandling services, the Member States shall be entitled to decide a binding limit on the number of suppliers, with the objective of keeping quality of services, productivity, security and safety.

Or. en

Amendment 78
Sabine Wils

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) If 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. The details of such a procedure should be further specified.

deleted

Or. en

Amendment 79
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) All groundhandling services suppliers, self-handling airport users and subcontractors operating at an airport should apply the relevant representative collective agreements so as to allow fair competition between groundhandling services suppliers on quality and efficiency.

Amendment 80
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) A collective agreement shall be deemed to be representative where it is substantively applicable to groundhandling services and where its territorial applicability within a Member State extends to the airport at which the groundhandling services supplier operates. At airports where there is more than one collective agreement, the agreement deemed to be representative shall be that which applies to the greater number of employees.

Or. de

Amendment 81
Erik Bánki, Ádám Kósa

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) Airport users ***should*** be consulted in the selection of suppliers of groundhandling services, since they have a major interest in the quality and price of groundhandling services.

(14) Airport users ***shall*** be consulted in the selection of suppliers of groundhandling services, since they have a major interest in the quality and price of groundhandling services.

Or. en

Justification

As they rely heavily on the quality and efficiency of groundhandling services, airlines have a prime interest in the selection of groundhandling suppliers. Accordingly, where the choice of suppliers is limited, the Airport Users' Committee must be directly involved in the selection of suppliers.

Amendment 82 **Michel Dantin**

Proposal for a regulation **Recital 14**

Text proposed by the Commission

(14) Airport users **should** be consulted in the selection of suppliers of groundhandling services, since they have a major interest in the quality and price of groundhandling services.

Amendment

(14) Airport users **must** be consulted in the selection of suppliers of groundhandling services, since they have a major interest in the quality and price of groundhandling services.

Or. fr

Amendment 83 **Jörg Leichtfried**

Proposal for a regulation **Recital 17**

Text proposed by the Commission

(17) Ambiguity exists as to whether Member States may require the takeover of staff upon a change of provider for groundhandling services to which access is limited. Discontinuity of staff can have a detrimental effect on the quality of groundhandling services. It is therefore appropriate to clarify the rules on the takeover of staff beyond the application of Directive 2001/23/EC on transfers of undertakings enabling Member States to ensure adequate employment and working conditions.

Amendment

(17) Ambiguity exists as to whether Member States may require the takeover of staff upon a change of provider for groundhandling services to which access is limited. Discontinuity of staff can have a detrimental effect on the quality of groundhandling services. It is therefore appropriate to clarify the rules on the takeover of staff beyond the application of Directive 2001/23/EC on transfers of undertakings enabling Member States to ensure adequate employment and working conditions. ***In any event, existing***

collective agreements and statutory labour and social provisions must be observed.

Or. de

Amendment 84
Sabine Wils

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) *Ambiguity exists as to whether* Member States may require the takeover of staff upon a change of provider for groundhandling services to which access is limited. Discontinuity of staff can have a detrimental effect on the quality of groundhandling services. It is therefore appropriate to clarify the rules on the takeover of staff beyond the application of Directive 2001/23/EC on transfers of undertakings enabling Member States to ensure adequate employment and working conditions.

Amendment

(17) Member States may require the takeover of staff upon a change of provider for groundhandling services to which access is limited. *As* discontinuity of staff can have a detrimental effect on the quality of groundhandling services, it is therefore appropriate to clarify the rules on the takeover of staff beyond the application of Directive 2001/23/EC on transfers of undertakings enabling Member States to ensure adequate employment and working conditions.

Or. en

Justification

Requirements for the take over of staff when changing the supplier are essential to ensure continuity on the quality of the services provided.

Amendment 85
Jutta Steinruck, Knut Fleckenstein, Andrea Cozzolino, Saïd El Khadraoui

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) *Ambiguity exists as to whether*

Amendment

(17) *It should be clarified and ensured*

Member States may require the takeover of staff upon a change of provider for groundhandling services *to which access is limited*. Discontinuity of staff *can have* a detrimental effect on the quality of groundhandling services. It is therefore *appropriate* to clarify the rules on the *takeover* of staff *beyond the* application of Directive 2001/23/EC on transfers of undertakings enabling Member States to ensure adequate employment and working conditions.

how Member States may require, *without any ambiguity*, the takeover of staff upon a change of provider for groundhandling services. Discontinuity of staff *has* a detrimental effect on the quality of groundhandling services. It is therefore *urgently necessary* to clarify *and, if need be, amend* the rules on the *transfer* of staff *via the correspondent* application of Directive 2001/23/EC on transfers of undertakings, *in consultation with the social partners*, enabling Member States to ensure adequate employment, *safety* and working conditions *as well as the protection of employees' rights and high labour standards*. *Dismissal on economic, technical or organisational grounds shall not be permitted*.

Or. en

Amendment 86

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

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) *Ambiguity exists as to* whether Member States may require the takeover of staff upon a change of provider for groundhandling services to which access is limited. Discontinuity of staff can have a detrimental effect on the quality of groundhandling services. It is therefore appropriate to clarify the rules on the takeover of staff beyond the application of Directive 2001/23/EC on transfers of undertakings enabling Member States to ensure adequate employment and working conditions.

Amendment

(17) *It should be clarified* whether Member States may require the takeover of staff upon a change of provider for groundhandling services to which access is limited *according to Article 6 (2)*. Discontinuity of staff can have a detrimental effect on the quality of groundhandling services. It is therefore appropriate to clarify the rules on the takeover of staff beyond the application of Directive 2001/23/EC on transfers of undertakings enabling Member States to ensure adequate employment and working conditions.

Or. en

Amendment 87

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

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) Increase in the quality of groundhandling services should be the ultimate aim; this should be done without increasing the administrative burden for groundhandling companies. It is therefore important to allow companies to decide on their own general business practices and their human resources policy.

Or. en

Amendment 88

Sabine Wils

Proposal for a regulation

Recital 18

Text proposed by the Commission

Amendment

(18) In order to ensure the proper and smooth functioning of air transport operations at airports, guarantee safety and security on airport premises as well as protect the environment and ensure compliance with the applicable social provisions and **rules**, the provision of groundhandling services should be subject to an appropriate approval. Given that systems for approving the provision of groundhandling services currently exist in the majority of Member States but differ widely, a harmonised approval system should be introduced.

(18) In order to ensure the proper and smooth functioning of air transport operations at airports, guarantee safety and security on airport premises as well as protect the environment and ensure compliance with the applicable social provisions and **representative collective agreements**, the provision of groundhandling services should be subject to an appropriate approval. Given that systems for approving the provision of groundhandling services currently exist in the majority of Member States but differ widely, a harmonised approval system should be introduced.

Or. en

Justification

Reference to the applicable collective agreements is needed to clarify the text.

Amendment 89

Georges Bach

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) To make sure that all service suppliers and self-handling airport users possess sufficient economic solidity, good repute, sufficient insurance coverage, and proper knowledge of groundhandling operations **and** the airport environment, and in order to establish a level playing field, the granting of approval should be subject to minimum requirements.

Amendment

(19) To make sure that all service suppliers and self-handling airport users possess sufficient economic solidity, good repute, sufficient insurance coverage, and proper knowledge of groundhandling operations, the airport environment **and security and safety requirements**, and in order to establish a level playing field, the granting of approval should be subject to minimum requirements.

Or. fr

Amendment 90

Phil Bennion, Philippe De Backer

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) To make sure that all service suppliers and self-handling airport users possess sufficient economic solidity, good repute, sufficient insurance coverage, and proper knowledge of groundhandling operations and the airport environment, and in order to establish a level playing field, the granting of approval should be subject to minimum requirements.

Amendment

(19) To make sure that all service suppliers and self-handling airport users possess sufficient economic solidity, good repute, sufficient insurance coverage, and proper knowledge of groundhandling operations and the airport environment, and in order to establish a level playing field, the granting of approval should be subject to minimum requirements; **these minimum requirements should not in any way have a restrictive impact on the further opening**

of the market.

Or. en

Justification

The mandatory national approval system should not in any way add restrictions to the further opening of the market by adding unnecessary bureaucratic barriers at already liberalised airports.

Amendment 91

Michel Dantin

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) The managing body of the airport and/or any other managing body of the centralised infrastructure of that airport **should** regularly consult airport users on the definition of the infrastructure and the level of fees.

Amendment

(22) The managing body of the airport and/or any other managing body of the centralised infrastructure of that airport **must** regularly consult airport users on the definition of the infrastructure and the level of fees.

Or. fr

Amendment 92

Sabine Wils

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The managing body of the airport may also supply groundhandling services itself. ***As at the same time, through its decision, the managing body of the airport may exercise considerable influence on competition between suppliers of groundhandling services, airports should be required to keep their groundhandling***

Amendment

(23) The managing body of the airport may also supply groundhandling services itself.

services in a legal entity separate from the legal entity for infrastructure management.

Or. en

Amendment 93
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) The managing body of the airport may also supply groundhandling services itself. As at the same time, through its decision, the managing body of the airport may exercise considerable influence on competition between suppliers of groundhandling services, airports should be required to keep their groundhandling services *in a legal entity separate from the legal entity for* infrastructure management.

Amendment

(23) The managing body of the airport may also supply groundhandling services itself. As at the same time, through its decision, the managing body of the airport may exercise considerable influence on competition between suppliers of groundhandling services, airports should be required to keep *strictly separate accounts for* their groundhandling services *on the one hand and their* infrastructure management *on the other*.

Or. de

Amendment 94
Jörg Leichtfried

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) In order to enable airports to fulfil their infrastructure management functions, to guarantee safety and security on airport premises and to ensure the resilience of groundhandling services also in crisis situations the managing body of the airport should be responsible for the proper coordination of groundhandling activities

Amendment

(24) In order to enable airports to fulfil their infrastructure management functions, to guarantee safety and security on airport premises and to ensure the resilience of groundhandling services also in crisis situations the managing body of the airport should be responsible for the proper coordination of groundhandling activities

at the airport. The managing body of the airport should report on the coordination of airport groundhandling activities to the Performance Review Body of Eurocontrol in view of a consolidated optimisation.

at the airport. ***It should also be able, where necessary, to commission services to ensure comprehensive service provision at the airport.*** The managing body of the airport should report on the coordination of airport groundhandling activities to the Performance Review Body of Eurocontrol in view of a consolidated optimisation.

Or. de

Amendment 95
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) Where the managing body of an airport supplies groundhandling services itself, or directly or indirectly controls a groundhandling services undertaking, due coordination of the groundhandling services should be monitored by the independent supervisory authority in order to guarantee equal treatment.

Or. de

Amendment 96
Giommaria Uggias

Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) It is necessary to define obligatory minimum quality standards to be met by suppliers of groundhandling services and self-handling airport users in order to ensure the overall quality of service and establish a level playing field among

(26) It is necessary to define obligatory minimum quality standards to be met by suppliers of groundhandling services and self-handling airport users in order to ensure the overall quality of service and establish a level playing field among

suppliers.

suppliers. *Since discontinuity of staff can have a detrimental effect on the quality of groundhandling services, there is a need to adopt appropriate measures to avoid collective redundancies.*

Or. it

Amendment 97
Spyros Danellis

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) In a labour-intensive sector such as groundhandling, continuous staff development and training have a strong impact on service quality. Minimum training requirements should therefore be set to ensure the quality of operations in terms of reliability, resilience, safety and security, and to create a level playing field among operators.

Amendment

(28) In a labour-intensive sector such as groundhandling, continuous staff development and training have a strong impact on service quality *and airport safety*. Minimum training requirements should therefore be set to ensure the quality of operations in terms of reliability, resilience, safety and security, and to create a level playing field among operators.

Or. el

Amendment 98
Jörg Leichtfried

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) In a labour-intensive sector such as groundhandling, continuous staff development and training have a strong impact on service quality. Minimum training requirements should therefore be set to ensure the quality of operations in terms of reliability, resilience, safety and

Amendment

(28) In a labour-intensive sector such as groundhandling, continuous staff development and training have a strong impact on service quality. Minimum training requirements should therefore be set to ensure the quality of operations in terms of reliability, resilience, safety and

security, and to create a level playing field among operators.

security, and to create a level playing field among operators. ***It is incumbent on employers to bear the costs of continuous staff development and training. Minimum training and further training requirements should be determined in the specifications for a regulated occupation of ‘certified airport groundhandling operator’.***

Or. de

Amendment 99
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Subcontracting increases flexibility for suppliers of groundhandling services. Nevertheless, subcontracting ***and cascade subcontracting*** may also result in capacity constraints and have negative effects on safety and security. Subcontracting should therefore be limited ***and the rules governing subcontracting should be clarified.***

Amendment

(29) Subcontracting increases flexibility for suppliers of groundhandling services. Nevertheless, subcontracting may also result in capacity constraints and have negative effects on safety and security. Subcontracting should therefore be limited.

Or. de

Amendment 100
Sabine Wils

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Subcontracting increases flexibility for suppliers of groundhandling services. ***Nevertheless***, subcontracting and cascade subcontracting may ***also*** result in capacity

Amendment

(29) Subcontracting increases flexibility for suppliers of groundhandling services ***but also uncertainty both for airport users and for workers. Moreover***, subcontracting

constraints and have negative effects on safety and security. Subcontracting should therefore be limited and the rules governing subcontracting should be *clarified*.

and cascade subcontracting may result in capacity constraints and have negative effects on safety and security. Subcontracting should therefore be limited and the rules governing subcontracting should be *strictly assessed by the contracting authority*.

Or. en

Justification

Subcontracting and cascade contracts should be avoided as they are detrimental for safety and security both for the users and the workers therefore they should be limited and kept under control.

Amendment 101
Jörg Leichtfried

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Member States should retain the power to ensure an adequate level of social protection for the staff of *undertaking* providing groundhandling services.

Amendment

(31) Member States should retain the power to ensure an adequate level of social protection for the staff of *undertakings* providing groundhandling services, *the primary consideration here being the observance of collective agreements and statutory labour and social provisions*.

Or. de

Amendment 102
Ádám Kósa, Erik Bánki

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31 a) Since disabled persons often

experience unjustified discrimination in the handling of their remedies, this Regulation shall comply with the provisions of Regulation (EC) No. 1107/2006 concerning the right of disabled persons and persons with reduced mobility when travelling by air.

Or. hu

Amendment 103
Ádám Kósa, Erik Bánki

Proposal for a regulation
Recital 31 b (new)

Text proposed by the Commission

Amendment

(31 b) Even though the rights of disabled persons and persons with reduced mobility when travelling by air are regulated by Regulation (EC) No. 1107/2006, this Regulation encourages an increased convergence between on the one hand the handlers of assistance to disabled persons or persons with reduced mobility and on the other hand the handlers of aid equipment of the travellers, including medical devices.

Or. hu

Amendment 104
Ádám Kósa, Erik Bánki

Proposal for a regulation
Recital 31 c (new)

Text proposed by the Commission

Amendment

(31 c) In view of the progress that has been made in the area of passenger rights, the objectives of and solutions proposed by Directive 2001/85/EC relating to

special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat must be taken into account in order to prevent discrimination against passengers with disabilities.

Or. hu

Amendment 105

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) In order to ensure that harmonised insurance requirements apply for suppliers of groundhandling services and self-handling airport users, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of insurance requirements for suppliers of groundhandling services and self-handling airport users. In order to ensure that harmonised and properly updated obligations apply ***concerning the minimum quality standards for groundhandling services and*** concerning the reporting obligations for suppliers of groundhandling services and self-handling airport users, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***specifications for minimum quality standards for groundhandling services and in respect of*** specifications for the content and dissemination of reporting obligations for suppliers of groundhandling services and self-handling airport users. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level

Amendment

(32) In order to ensure that harmonised insurance requirements apply for suppliers of groundhandling services and self-handling airport users, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of insurance requirements for suppliers of groundhandling services and self-handling airport users. In order to ensure that harmonised and properly updated obligations apply concerning the reporting obligations for suppliers of groundhandling services and airport users, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of specifications for the content and dissemination of reporting obligations for suppliers of groundhandling services and self-handling airport users. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and involving the specific Sectoral Social Dialogue Committee set up under Decision 98/500/EC.

and involving the specific Sectoral Social Dialogue Committee set up under Decision 98/500/EC.

Or. de

Amendment 106
Silvia-Adriana Țicău

Proposal for a regulation
Recital 38 a (new)

Text proposed by the Commission

Amendment

(38a) Given the importance of safety, professional qualifications and training, compliance with quality standards and, in particular, the operational performance of groundhandling staff, Member States should make provision for sanctions for infringements of this regulation. The sanctions should be effective and proportional and serve as a deterrent.

Or. ro

Amendment 107
Wolf Klinz

Proposal for a regulation
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) The documentation supplied by airlines to passengers should clearly indicate the groundhandling services supplier for the air route in question.

Or. de

Amendment 108
Wolf Klinz

Proposal for a regulation
Recital 39 b (new)

Text proposed by the Commission

Amendment

(39b) Groundhandling services suppliers have a duty to provide information points for passengers whose baggage is lost or missing.

Or. de

Amendment 109
Jacqueline Foster

Proposal for a regulation
Article 2 – paragraph 1 – point e – indent 1

Text proposed by the Commission

Amendment

– one holds a majority holding in the other;
or

– one holds a majority holding in, **or otherwise directly or indirectly controls** the other; or

Or. en

Justification

Although it is aimed at treating parent/sister companies as one for the purpose of self-handling, the current definition is not appropriate. The requirement to hold a “majority holding” may indeed be interpreted as requiring at least 50% of the shares, while in practice, in most cases a company or holding will effectively control an airline with less than 50% of the shares.

Amendment 110
Jacqueline Foster

Proposal for a regulation
Article 2 – paragraph 1 – point e – indent 2

Text proposed by the Commission

Amendment

– a single body has a majority holding in each;

– a single body has a majority holding in, ***or otherwise directly or indirectly controls*** each; ***or***

Or. en

Justification

Although it is aimed at treating parent/sister companies as one for the purpose of self-handling, the current definition is not appropriate. The requirement to hold a “majority holding” may indeed be interpreted as requiring at least 50% of the shares, while in practice, in most cases a company or holding will effectively control an airline with less than 50% of the shares.

Amendment 111
Debora Serracchiani

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

Text proposed by the Commission

Amendment

- For integrators, self-handling shall extend to groundhandling services performed for all aircraft dedicated to its transport network, whether owned or leased and whether operated by an air carrier owned by the integrator or by third parties. For the purposes of this section, the undertaking providing the groundhandling services need not be an airport user but must be affiliated with the integrator.

Or. en

Justification

Market evolutions mandate broader self-handling rights for integrators. The amendment proposed is justified by this industry’s need to control the transportation from origin to final destination and the fact that it generally operates out of sync with normal airport operations (at night and in dedicated areas of an airport). These market evolutions have already been

recognized in legislation of a Member State.

Amendment 112

Ramon Tremosa i Balcells

Proposal for a regulation

Article 2 – paragraph 1 – point e – indent 2 a (new)

Text proposed by the Commission

Amendment

- For integrators, self-handling shall extend to groundhandling services performed for all aircraft dedicated to its transport network, whether owned or leased and whether operated by an air carrier owned by the integrator or by third parties. For the purposes of this section, the undertaking providing the groundhandling services need not be an airport user but must be affiliated with the integrator.

Or. en

Justification

Market evolutions mandate broader self-handling rights for integrators. The amendment proposed under (3) is justified by this industry's need to control the transportation from origin to final destination and the fact that it generally operates out of sync with normal airport operations (at night and in dedicated areas of an airport). These market evolutions have already been recognized in legislation of a Member State. A definition of 'integrator' is provided in a new article 2 (k).

Amendment 113

Phil Bennion, Philippe De Backer

Proposal for a regulation

Article 2 – paragraph 1 – point e – indent 2 a (new)

Text proposed by the Commission

Amendment

- or they belong to the same alliance ;

Amendment 114
Jacqueline Foster

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

Text proposed by the Commission

Amendment

- both airport users belong to the same group;

Or. en

Justification

Although it is aimed at treating parent/sister companies as one for the purpose of self-handling, the current definition is not appropriate. The requirement to hold a “majority holding” may indeed be interpreted as requiring at least 50% of the shares, while in practice, in most cases a company or holding will effectively control an airline with less than 50% of the shares.

Amendment 115
Knut Fleckenstein, Jörg Leichtfried

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

Text proposed by the Commission

Amendment

(ea) In relation to integrators, ‘self-handling’ covers the groundhandling services supplied for all aircraft in the transport network whether owned or leased by the integrator and irrespective of whether the airline is owned by the integrator or a third party. For the purposes of this paragraph, the groundhandling services supplier must not be an airport user but must belong to the integrator and must meet the minimum quality standards.

Amendment 116
Dieter-Lebrecht Koch

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

Text proposed by the Commission

Amendment

(ea) Logistics companies offering a door-to-door express service are free to supply groundhandling services or to entrust such services to the airlines within their logistics network. Whether the aircraft in question belong to or are leased by the logistics company, or whether they belong to an independent airline or a third party, is immaterial in this regard.

Or. de

Amendment 117
Knut Fleckenstein, Jörg Leichtfried

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

Text proposed by the Commission

Amendment

(fa) ‘Integrator’ means an undertaking that offers a transport service, the content of which is laid down in a contract, from a departure point to a final destination, seamlessly integrating transportation, groundhandling, consignment sorting and delivery services;

Or. de

Amendment 118
Erik Bánki, Ádám Kósa

Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘centralised infrastructure’ means specific installations and/or facilities **at an airport** which cannot, for technical, environmental, cost or capacity reasons, be divided or duplicated and whose availability is essential and necessary for the performance of subsequent groundhandling services;

Amendment

(g) ‘centralised infrastructure’ means specific installations and/or facilities which cannot, for technical, environmental, cost or capacity reasons, be divided or duplicated and whose availability is essential and necessary for the performance of subsequent groundhandling services **at an airport** ;

Or. en

Justification

At many airports, important elements of the fuel infrastructure (notably fuel storage tanks) are not within the perimeter of the airport, but in its vicinity. The proposed amendment would extend the definition of centralised infrastructure to all infrastructure related to fuelling operations. The amendment would increase the protection against excessive access fees that can be collected as a result of the lack of real competition in the provision of such infrastructure and services.

Amendment 119
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) 'centralised infrastructure' means specific installations and/or **facilities at an airport** which cannot, for technical, environmental, cost or capacity reasons, be divided or duplicated and whose availability is essential and necessary for the performance of subsequent groundhandling services;

Amendment

(g) ‘centralised infrastructure’ means specific **airport** installations and/or facilities which cannot, for technical, environmental, cost or capacity reasons, be divided or duplicated and whose availability is essential and necessary for the performance of subsequent groundhandling services;

Or. de

Justification

The definition must extend to central infrastructure installations in the immediate vicinity of airports.

Amendment 120

Silvia-Adriana Țicău

Proposal for a regulation

Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) 'centralised infrastructure' means specific installations and/or facilities at an airport which cannot, for technical, environmental, cost or capacity reasons, be divided or duplicated and whose availability is essential and necessary for the performance of subsequent groundhandling services;

Amendment

(g) 'centralised infrastructure' means specific installations and/or facilities at an airport ***and all fuelling services and infrastructures*** which cannot, for technical, environmental, cost or capacity reasons, be divided or duplicated and whose availability is essential and necessary for the performance of subsequent groundhandling services;

Or. ro

Amendment 121

Debora Serracchiani

Proposal for a regulation

Article 2 – paragraph 1 – point j – indent 1 (new)

Text proposed by the Commission

Amendment

- "integrator" means an undertaking that offers door-to-door transport, being a contractually governed service guaranteeing the transportation of freight and/or mail from origin until final destination and where the transport operations, groundhandling, sorting and delivery services form an integral and seamless part of that service.

Amendment 122
Saïd El Khadraoui

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

Text proposed by the Commission

Amendment

(j a) 'integrator' means an undertaking that offers door-to-door transport, being a contractually governed service guaranteeing the transportation of freight and/or mail from origin until final destination and where the transport operations, groundhandling, sorting and delivery services form an integral and seamless part of that service.

Or. en

Amendment 123
Philippe De Backer, Ramon Tremosa i Balcells, Phil Bennion

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

Text proposed by the Commission

Amendment

(j a) 'integrator' means an undertaking that offers door-to-door transport, being a contractually governed service guaranteeing the transportation of freight and/or mail from origin until final destination and where the transport operations, groundhandling, sorting and delivery services form an integral and seamless part of that service.

Or. en

Amendment 124
Ramon Tremosa i Balcells

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

Text proposed by the Commission

Amendment

(j a) "integrator" means an undertaking that offers door-to-door transport, being a contractually governed service guaranteeing the transportation of freight and/or mail from origin until final destination and where the transport operations, groundhandling, sorting and delivery services form an integral and seamless part of that service.

Or. en

Justification

A definition of integrator is required to support the proposed amendments in article 2 (e). This definition already exists in the legislation of a Member State.

Amendment 125
Knut Fleckenstein

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Each of the airports concerned shall establish a committee of representatives of airport users or of organisations representing airport users ('Airport Users' Committee').

1. Every airport with annual traffic of not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years shall establish a committee of representatives of airport users or of organisations representing airport users ('Airport Users' Committee').

Or. de

Amendment 126
Jörg Leichtfried

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Each of the airports concerned shall establish a committee of representatives of airport users or of organisations representing airport users ('Airport Users' Committee').

Amendment

1. Each of the airports concerned shall establish a committee of representatives of airport users or of organisations representing airport users ('Airport Users' Committee'). ***Involvement of the social partners in this user network shall be compulsory.***

Or. de

Justification

The stipulation that each airport concerned must set up a committee of representatives of airport users should include a provision making it incumbent on the Member States to involve the social partners in such committees.

Amendment 127
Eva Lichtenberger

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Each of the airports concerned shall establish a committee of representatives of airport users or of organisations representing airport users ('Airport Users' Committee').

Amendment

1. Each of the airports concerned shall establish a committee of representatives of airport users or of organisations representing airport users ('Airport Users' Committee') ***as well as representatives of the airports and the staff.***

Or. en

Amendment 128
Jim Higgins, Christine De Veyrac

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Each of the airports concerned shall establish a committee of representatives of airport users or of organisations representing airport users ('Airport Users' Committee').

Amendment

1. ***At the airport's users' request***, each of the airports concerned shall establish a committee of representatives of airport users or of organisations representing airport users ('Airport Users' Committee').

Or. en

Justification

At certain airports, meetings of the established Airport User Committees are not necessary. It should not be an obligation to establish such a Committee if there are no requests from users for its creation. In addition, for smaller airports, the establishment and management of the Users' Committee may lead to an increased administrative and financial burden. "Red tape" should be avoided.

Amendment 129
Silvia-Adriana Țicău

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. All airport users shall have the right to participate in the work of the Airport Users' Committee, or, if they so wish, to be represented on it by an organisation designated to that effect. ***However, if they are represented by such an organisation, this organisation shall not provide groundhandling services at the concerned airport.***

Amendment

2. All airport users shall have the right to participate in the work of the Airport Users' Committee, or, if they so wish, to be represented on it by an organisation designated to that effect.

Or. ro

Amendment 130
Georges Bach

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. The weighting of votes within the Airport Users' Committee shall be such that:

deleted

(a) irrespective of the annual traffic volume carried by a single airport user at an airport, its voting power shall not exceed 49 % of the totality of the votes;

(b) the voting power of self-handling airport users shall not exceed one third of the totality of the votes.

Or. fr

Justification

The proposal for a regulation should not include detailed clauses concerning internal procedures. These should be decided by the Airport Users' Committee itself, so as to reflect the special characteristics of the airport concerned, in a manner in keeping with the principle of subsidiarity.

Amendment 131
Vilja Savisaar-Toomast

Proposal for a regulation
Article 4 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

The managing body of the airport shall provide the secretariat of the Airport Users' Committee.

The managing body of the airport shall provide, **at the users request**, the secretariat of the Airport Users' Committee.

Or. en

Amendment 132
Debora Serracchiani

Proposal for a regulation
Article 4 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The managing body of the airport shall provide the secretariat of the Airport Users' Committee.

Amendment

The managing body of the airport shall provide, at ***the users' request, the secretariat of the Airport Users' Committee.***

If the managing body of the airport refuses to do so or if the Airport Users' Committee does not accept this, the managing body of the airport shall designate another entity which has to be accepted by the Airport Users' Committee. The secretariat of the Airport Users' Committee shall keep and maintain the list of airport users or their representatives that are part of the Airport Users' Committee.

Any possible costs linked to the provision of the secretariat can be recovered from airport users.

Or. en

Justification

At individual airports, due to the absence of major problems or areas of disagreement, representatives stopped attending the meetings of the established Airport User Committees. Therefore, there should be no obligation to establish such a Committee if there are no requests from users for its creation. In addition, for smaller regional airports, the establishment and management of the Users' Committee may lead to an increased administrative and financial burden. Therefore, it is important to ensure that possible costs may be recovered from airport users.

Amendment 133
Ramon Tremosa i Balcells

Proposal for a regulation
Article 4 – paragraph 6 a (new)

6 a. Where this Regulation provides that the Airport Users' Committee should be consulted, the managing body of the airport, or where relevant the tendering authority, shall notify the Airport Users' Committee and provide it with the proposed decisions and all necessary information no later than six weeks before a final decision is taken. In case of disagreement between the managing body of the airport and the Airport Users' Committee, or where relevant the tendering authority, and without prejudice to Article 41 of this Regulation, the managing body of the airport, or where relevant the tendering authority, shall justify its final decision with regard to the views of the Airport Users' Committee.

Or. en

Justification

Airport users have a major interest in the quality and efficiency of groundhandling services. Although several provisions in the proposal refer to the consultation of airport users, the text provides no guarantees that such consultation will be substantive enough and that the views of interested parties will be duly taken into consideration in the decision-making process.-

At airports where the number of suppliers is limited, there is no guarantee that the views of airport users will be duly considered in the selection process, even though airport users will depend on the selected suppliers for their operations.- Similarly, there is also no guarantee that the airport managing body will take into account the views of suppliers of groundhandling services and of airport users when it establishes rules of conduct and minimum quality standards, both of which will influence their daily operations. The lack of substantive consultation is particularly a concern because the managing body of the airport also often controls one of the undertakings providing groundhandling services. Consequently, it is put in a position where it can adopt rules that apply to its direct competitors, giving it an unfair advantage on other companies and a dominant role on all groundhandling activities.

Amendment 134
Michel Dantin

Proposal for a regulation
Article 4 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Airport Users' Committee must be allowed a reasonable timeframe to deliver its opinion in the consultation processes in which it is involved under this Regulation. The airport managing body must substantiate any decision it takes at the end of a consultation process.

Or. fr

Justification

These clarifications concerning the consultation processes in which the Airport Users' Committee is involved will facilitate the dialogue between it and the airport managing body. The airport managing body must substantiate its decision, particularly if it is at odds with the – non-binding – opinion given by the Airport Users' Committee.

Amendment 135
Carlo Fidanza

Proposal for a regulation
Article 4 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Where this Regulation provides that the Airport Users' Committee should be consulted, the managing body of the airport, or where relevant the tendering authority, shall notify the Airport Users' Committee and provide it with the proposed decisions and all necessary information no later than six weeks before a final decision is taken. In case of disagreement between the managing body of the airport and the Airport Users' Committee, or where relevant the tendering authority, and without prejudice to Article 41 of this Regulation, the managing body of the airport, or where

relevant the tendering authority, shall justify its final decision with regard to the views of the Airport Users' Committee.

Or. en

Amendment 136
Knut Fleckenstein

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

All airport users shall be free to self-handle.

Amendment

Users of any airport with an annual traffic of not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years shall be free to self-handle.

Or. de

Amendment 137
Giommaria Uggias

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

All airport users shall be free to self-handle.

Amendment

All airport users shall be free to self-handle *in compliance with the quality and security standards laid down in this Regulation.*

Or. it

Amendment 138
Sabine Wils

Proposal for a regulation
Article 5 – paragraph 1

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Text proposed by the Commission

All airport users shall be free to self-handle.

Amendment

All airport users shall be free to self-handle ***only if the choice of the groundhandling suppliers is not sufficient to meet the airport users' requirements and, provided that social dimension provisions are fulfilled.***

Or. en

Justification

Self handling could be a free choice of the airport user only if the existing working capacity of the groundhandling supplier is not sufficient.

Amendment 139
Thomas Mann, Georges Bach

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

All airport users shall be free to self-handle.

Amendment

At every airport in the European Union, airport users shall be free to self-handle ***if the airport has had an annual traffic of not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years. Member States may, at most, limit the number of self-handling airport users in respect of the following four of the 11 categories of groundhandling services:***

- (a) Category 3: baggage handling;***
- (b) Category 4: freight and mail handling as regards the physical handling of freight and mail, whether incoming, outgoing or being transferred, between the air terminal and the aircraft;***
- (c) Category 5: ramp handling;***
- (d) Category 7: fuel and oil handling.***

Member States may not, however, limit the number of self-handling airport users to fewer than two.

Or. de

Justification

The Ecorys study of groundhandling services, which the Commission cites repeatedly, concludes that, as a result of the first opening-up of the market, jobs have become more insecure and the number of short-term contracts has increased. Trade unions in the EU have also pointed out that levels of pay in the groundhandling sector have not kept pace with inflation or with the average rate of pay increases. Full opening of the market would drastically worsen workers' circumstances.

Amendment 140

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

All airport users shall be free to self-handle.

Amendment

Users of any airport with an annual traffic of not less than 2 million passenger movements or 50 000 tonnes of freight for at least the previous three years shall be free to self-handle. Member States may limit the number of self-handling airport users authorised to provide the following categories of groundhandling services:

(a) baggage handling;

(b) ramp handling;

(c) fuel and oil handling;

(d) freight and mail handling as regards the physical handling of freight and mail, whether incoming, outgoing or being transferred, between the air terminal and the aircraft.

Member States may not, however, limit the number of self-handling airport users to fewer than two.

Justification

Permitting all airport users to self-handle is disproportionate. It would create space and capacity problems, and groundhandling services suppliers would be left with a reduced share of the market. This is at odds with the Commission's intention of promoting competition in the sector. Short of a redefinition, it is therefore appropriate to permit just two users to self-handle.

Amendment 141**Carlo Fidanza, Salvatore Tatarella****Proposal for a regulation****Article 5 – paragraph 1***Text proposed by the Commission*

All airport users shall be **free** to self-handle.

Amendment

- 1. All airport users shall be **allowed** to self-handle.*
- 2. Without prejudice to paragraph 1, and for the following categories of service: **baggage handling, ramp handling, fuel and oil handling, handling and processing of incoming, outgoing and transit freight and mail between airport buildings and aircraft, Member States may limit the number of self-handling users at any one airport. However, at airports whose annual traffic is not less than one million passengers, Member States may reserve the right of self-handling, for not less than two users, provided that these are chosen on the basis of relevant, objective, transparent and non-discriminatory criteria.***

Or. it

Amendment 142**Eva Lichtenberger**

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

All airport users shall be free to self-handle.

Amendment

All airport users ***at airports of less than two million passengers or 50.000 tons freight a year*** shall be free to self-handle ***the following services: baggage handling, ramp handling, fuel and oil handling, freight and mail handling. Member States shall reserve the right to self-handle to not less than two airport users.***

Or. en

Amendment 143
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For airports as referred to in paragraph (1) Member States may limit the number of self-handling airport users authorised to provide the following categories of groundhandling services:

(a) baggage handling;

(b) ramp handling;

(c) fuel and oil handling;

(d) freight and mail handling as regards the physical handling of freight and mail, whether incoming, outgoing or being transferred, between the air terminal and the aircraft.

Member States may not, however, limit the number of self-handling airport users to fewer than two.

Or. de

Justification

The intention is that Member States have the power to restrict self-handling if, in their estimation, an airport does not have the capacity for a large number of self-handling users and it would thus be more difficult to ensure safety.

Amendment 144 Inés Ayala Sender

Proposal for a regulation Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

2. Without prejudice to paragraph 1, for the following categories of groundhandling services:

- baggage handling;***
- ramp handling;***
- fuel and oil handling,***
- freight and mail handling as regards the physical handling of freight and mail, whether incoming, outgoing or being transferred, between the air terminal and the aircraft, Member States may restrict self-handling operations at the airport.***

Or. en

Justification

further liberalisation would in fact further reduce the already limited contestable market and create space and capacity problems, to the detriment of (additional) third-party handlers interested in providing ground handling services at the airport. If introduced, a further liberalisation of self-handling would jeopardize the overall objectives of the Regulation to open-up the ground handling market for third parties in order to provide for a sustainable level of competition

Amendment 145
Saïd El Khadraoui

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For integrators, self-handling shall be possible for groundhandling services performed for all aircraft in the integrators' transport network, whether owned or leased and whether operated by an air carrier owned by the integrator or by third parties. The undertaking providing the groundhandling services in this regard does not have to be an airport user, but shall be affiliated with the integrator.

Or. en

Amendment 146
Philippe De Backer, Ramon Tremosa i Balcells, Phil Bennion

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For integrators, self-handling should be possible for groundhandling services performed for all aircraft in the integrators' transport network, whether owned of leased and whether operated by an air carrier owned by the integrator or by third parties. The undertaking providing the groundhandling services in this regard does not have to be an airport user, but shall be affiliated with the integrator

Or. en

Amendment 147
Dieter-Lebrecht Koch

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Suppliers of groundhandling services shall have free access to the market for the provision of groundhandling services to third parties *on* any airport 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.

Amendment

1. Suppliers of groundhandling services shall have free access to the market for the provision of groundhandling services to third parties *at* any airport 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. de

Amendment 148
Eva Lichtenberger

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Suppliers of groundhandling services shall have free access to the market for the provision of groundhandling services to third parties on any airport 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.

Amendment

1. Suppliers of groundhandling services shall have free access to the market for the provision of groundhandling services to third parties on any airport 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 149
Artur Zasada

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Suppliers of groundhandling services shall have free access to the market for the provision of groundhandling services to third parties on any airport 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.

Amendment

1. Suppliers of groundhandling services ***established on European Union territory or in European Free Trade Association countries*** shall have free access to the market for the provision of groundhandling services to third parties on any airport 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.

Or. pl

Amendment 150
Dieter-Lebrecht Koch

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

For airports as referred to in paragraph (1) Member States may limit the number of suppliers authorised to provide the following categories of groundhandling services :

Amendment

For airports as referred to in paragraph (1) Member States may, ***in the light of local circumstances***, limit the number of suppliers authorised to provide the following categories of groundhandling services:

Or. de

Amendment 151
Dieter-Lebrecht Koch

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling

Amendment

deleted

services or, for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.

Or. de

Amendment 152
Sabine Wils

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services or, for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.

deleted

Or. en

Justification

No new additional threshold is needed.

Amendment 153
Eva Lichtenberger

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

However, Member States shall not limit this number to fewer than two suppliers for

However, Member States shall not limit this number to fewer than two suppliers for

each category of groundhandling services *or, for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.*

each category of groundhandling services.

Or. en

Amendment 154
Giommara Uggias

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services *or, for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.*

Amendment

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services.

Or. it

Amendment 155
Georges Bach

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services *or, for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the*

Amendment

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services.

previous three years, to fewer than three suppliers for each category of groundhandling services.

Or. de

Amendment 156
Luis de Grandes Pascual

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services or, for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.

Amendment

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services or, for airports whose annual traffic has been not less than **10** million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.

Or. en

Justification

The 5 million figure is not properly justified by the EC. The broadest consensus in the industry is that 10 million passengers would allow for a third handling agent. The contestable market is in many airports a mere 50% of the total market.

Amendment 157
Knut Fleckenstein, Jörg Leichtfried, Petra Kammerevert, Saïd El Khadraoui

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services

Amendment

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services.

or, for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.

Or. de

Amendment 158
Thomas Mann, Georges Bach

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services *or, for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.*

Amendment

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services.

Or. de

Justification

The Ecorys study of groundhandling services, which the Commission cites repeatedly, concludes that, as a result of the first opening-up of the market, jobs have become more insecure and the number of short-term contracts has increased. Trade unions in the EU have also pointed out that levels of pay in the groundhandling sector have not kept pace with inflation or with the average rate of pay increases. Full opening of the market would drastically worsen workers' circumstances.

Amendment 159
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services ***or, for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.***

Amendment

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services.

Or. de

Justification

The efficiency of groundhandling services declines when the number of suppliers increases. Even where there are two suppliers the challenges in terms of human resources deployment are huge because the workload fluctuates greatly in the course of day and the situation is further aggravated when flight arrivals and departures are brought forward or delayed. The impact of the uneven work pattern is increased by further division of the groundhandling market, and productivity declines significantly.

Amendment 160

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services ***or, for*** airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.

Amendment

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services, ***or, if they deem it appropriate in the case of*** airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, to fewer than three suppliers for each category of groundhandling services.

Or. de

Justification

The efficiency of groundhandling services declines when the number of suppliers increases. Even where there are two suppliers the challenges in terms of human resources deployment are huge because the workload fluctuates greatly in the course of day and the situation is further aggravated when flight arrivals and departures are brought forward or delayed. The impact of the uneven work pattern is increased by further division of the groundhandling market, and productivity declines significantly.

Amendment 161

Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The limitations set out in paragraph 2 may differ between terminals at the same airport, provided they are not applied in a discriminatory manner, that they do not distort competition, that they comply with this Regulation and that the minimum number of suppliers at each terminal remains the same.

Or. fr

Justification

It would seem appropriate for the number of suppliers of the services regulated to potentially differ between terminals at the same airport. Provision should nevertheless be made for ensuring that the minimum number of suppliers at each terminal remains the same.

Amendment 162

Giommaria Uggias

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

At airports where the number of suppliers is limited to two or more suppliers in

At airports where the number of suppliers is limited to two or more suppliers in

accordance with paragraph (2) of this Article, or Article 14 (1) (a) **and (c)**, at least one of the authorised suppliers shall not be directly or indirectly controlled by:

accordance with paragraph (2) of this Article, or Article 14 (1) (a), at least one of the authorised suppliers shall not be directly or indirectly controlled by:

Or. it

Amendment 163
Sabine Wils

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

At airports where the number of suppliers is limited to two or more suppliers in accordance with paragraph (2) of this Article, or Article 14 (1) (a) **and (c)**, at least one of the authorised suppliers shall not be directly or indirectly controlled by:

At airports where the number of suppliers is limited to two or more suppliers in accordance with paragraph (2) of this Article, or Article 14 (1) (a), at least one of the authorised suppliers shall not be directly or indirectly controlled by:

Or. en

Justification

To be consistent with the deleting proposal in art.14 regarding exemptions authorising more than two suppliers in airports with less than 5 million passengers or 100 000 tonnes of freight.

Amendment 164
Knut Fleckenstein, Jörg Leichtfried, Petra Kammerevert, Saïd El Khadraoui

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

At airports where the number of suppliers is limited to two **or more** suppliers in accordance with paragraph (2) of this Article, or Article 14(1)(a) **and (c)**, at least one of the authorised suppliers shall not be

At airports where the number of suppliers is limited to two suppliers in accordance with paragraph (2) of this Article, or Article 14(1)(a), at least one of the authorised suppliers shall not be directly or

directly or indirectly controlled by:

indirectly controlled by:

Or. de

Amendment 165

Thomas Mann, Georges Bach

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

At airports where the number of suppliers is limited to two *or more* suppliers in accordance with paragraph (2) of this Article, or Article 14(1)(a) and (c), at least one of the authorised suppliers shall not be directly or indirectly controlled by:

Amendment

At airports where the number of suppliers is limited to two suppliers in accordance with paragraph (2) of this Article, or Article 14(1)(a) and (c), at least one of the authorised suppliers shall not be directly or indirectly controlled by:

Or. de

Amendment 166

Georges Bach

Proposal for a regulation

Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. Where the number of authorised suppliers is restricted pursuant to paragraph (2), Member States may not prevent an airport user, whatever part of the airport is allocated to him, from having, in respect of each category of groundhandling service subject to limitation, an effective choice, under the conditions laid down in paragraphs (2) and (3), between at least:

Amendment

4. Where the number of authorised suppliers is restricted pursuant to paragraph (2), Member States may not prevent an airport user, whatever part of the airport is allocated to him, from having, in respect of each category of groundhandling service subject to limitation, an effective choice, under the conditions laid down in paragraphs (2) and (3), between at least ***two groundhandling services suppliers.***

Or. de

Amendment 167

Knut Fleckenstein, Jörg Leichtfried, Petra Kammerevert, Saïd El Khadraoui

Proposal for a regulation

Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. Where the number of authorised suppliers is restricted pursuant to paragraph (2), Member States may not prevent an airport user, whatever part of the airport is allocated to him, from having, in respect of each category of groundhandling service subject to limitation, an effective choice, under the conditions laid down in paragraphs (2) and (3), between at least:

Amendment

4. Where the number of authorised suppliers is restricted pursuant to paragraph (2), Member States may not prevent an airport user, whatever part of the airport is allocated to him, from having, in respect of each category of groundhandling service subject to limitation, an effective choice, under the conditions laid down in paragraphs (2) and (3), between at least **two groundhandling services suppliers**.

Or. de

Amendment 168

Jacqueline Foster

Proposal for a regulation

Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. Where the number of authorised suppliers is restricted pursuant to paragraph (2), Member States **may** not prevent an airport user, whatever part of the airport is allocated to him, from having, in respect of each category of groundhandling service subject to limitation, an effective choice, under the conditions laid down in paragraphs (2) and (3), between at least:

Amendment

4. Where the number of authorised suppliers is restricted pursuant to paragraph (2), Member States **shall** not prevent an airport user, whatever part of the airport is allocated to him, from having, in respect of each category of groundhandling service subject to limitation, an effective choice, under the conditions laid down in paragraphs (2) and (3), between at least:

Or. en

Justification

To ensure that airport users throughout the EU are guaranteed a minimum level of choice in groundhandling services.

Amendment 172
Dieter-Lebrecht Koch

Proposal for a regulation
Article 6 – paragraph 4 – indent 2

Text proposed by the Commission

Amendment

– three suppliers of groundhandling services for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years. *deleted*

Or. de

Amendment 173
Giommaria Uggias

Proposal for a regulation
Article 6 – paragraph 4 – indent 2

Text proposed by the Commission

Amendment

three suppliers of groundhandling services for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years. *deleted*

Or. it

Amendment 174
Sabine Wils

Proposal for a regulation
Article 6 – paragraph 4 – indent 2

Text proposed by the Commission

Amendment

– three suppliers of groundhandling services for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight *deleted*

for at least the previous three years.

Or. en

Justification

Increasing number of suppliers will be detrimental to safety and security and will not help quality efficiency.

Amendment 175
Georges Bach

Proposal for a regulation
Article 6 – paragraph 4 – indent 2

Text proposed by the Commission

Amendment

– three suppliers of groundhandling services for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years. *deleted*

Or. de

Amendment 176
Knut Fleckenstein, Jörg Leichtfried, Petra Kammerevert, Saïd El Khadraoui

Proposal for a regulation
Article 6 – paragraph 4 – indent 2

Text proposed by the Commission

Amendment

– three suppliers of groundhandling services for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years. *deleted*

Or. de

Amendment 177
Thomas Mann, Georges Bach

Proposal for a regulation
Article 6 – paragraph 4 – indent 2

Text proposed by the Commission

– three suppliers of groundhandling services for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years.

Amendment

deleted

Or. de

Amendment 178
Christine De Veyrac, Dominique Vlasto

Proposal for a regulation
Article 6 – paragraph 4 – indent 2

Text proposed by the Commission

three suppliers of groundhandling services for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years.

Amendment

three suppliers of groundhandling services for airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, *or*

Or. fr

Amendment 179
Christine De Veyrac, Dominique Vlasto

Proposal for a regulation
Article 6 – paragraph 4 – indent 2 a (new)

Text proposed by the Commission

Amendment

- four suppliers of groundhandling services for airports whose annual traffic has been not less than 35 million passengers or 350 000 tonnes of freight

for at least the previous three years.

Or. fr

Justification

While opening up to a fourth supplier would be appear to be a good idea, having a five year period would render the exemptions under Article 14 inapplicable for that period. Should a Member State decide not to apply this new threshold, Article 14 would necessarily apply.

Amendment 180
Jörg Leichtfried

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. Where an airport reaches one of the freight traffic thresholds laid down in this Article without reaching the corresponding passenger movement threshold, this Regulation shall not apply to categories of groundhandling services reserved exclusively for passengers.

deleted

Or. de

Amendment 181
Georges Bach

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. Where an airport reaches one of the freight traffic thresholds laid down in this Article without reaching the corresponding passenger movement threshold, this Regulation shall not apply to categories of groundhandling services reserved exclusively for passengers.

5. Where an airport reaches one of the freight traffic thresholds laid down in this Article without reaching the corresponding passenger movement threshold, this Regulation shall not apply to categories of groundhandling services reserved exclusively for passengers ***or to***

infrastructure used exclusively for handling passengers.

Or. de

Amendment 182
Knut Fleckenstein, Petra Kammerevert

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

5. Where an airport reaches ***one of*** the freight traffic ***thresholds*** laid down in this Article without reaching the corresponding passenger movement threshold, this Regulation shall not apply to categories of groundhandling services reserved exclusively for passengers.

Amendment

5. Where an airport reaches the freight traffic ***threshold*** laid down in this Article without reaching the corresponding passenger movement threshold, this Regulation shall not apply to categories of groundhandling services reserved exclusively for passengers.

Or. de

Amendment 183
Georges Bach

Proposal for a regulation
Article 6 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where an airport reaches one of the passenger traffic thresholds laid down in this Article without reaching the corresponding freight movement threshold, this Regulation shall not apply to categories of groundhandling services reserved exclusively for freight or to infrastructure used exclusively for handling freight.

Or. de

Amendment 184
Jörg Leichtfried

Proposal for a regulation
Article 6 – paragraph 6

Text proposed by the Commission

6. Any airport whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years and whose annual traffic subsequently passes under the threshold of 2 million passenger movements or 50 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three years following the year it passed under the threshold.

Amendment

deleted

Or. de

Amendment 185
Dieter-Lebrecht Koch

Proposal for a regulation
Article 6 – paragraph 6

Text proposed by the Commission

6. Any airport whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years and whose annual traffic subsequently passes under the threshold of 2 million passenger movements or 50 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least **the first three years** following the year it passed under the threshold.

Amendment

6. Any airport whose annual traffic has been not less than **5** million passenger movements or **100** 000 tonnes of freight for at least three consecutive years and whose annual traffic subsequently passes under the threshold of 2 million passenger movements or 50 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least **one year** following the year it passed under the threshold.

Or. de

Amendment 186
Eva Lichtenberger

Proposal for a regulation
Article 6 – paragraph 6

Text proposed by the Commission

6. Any airport whose annual traffic has been not less than 2 million passenger movements or 50 000 tonnes of freight for at least three consecutive years and whose annual traffic subsequently passes under the threshold of 2 million passenger movements or 50 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three years following the year it passed under the threshold.

Amendment

6. Any airport whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least three consecutive years and whose annual traffic subsequently passes under the threshold of 5 million passenger movements or 100 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three years following the year it passed under the threshold.

Or. en

Amendment 187
Dieter-Lebrecht Koch

Proposal for a regulation
Article 6 – paragraph 7

Text proposed by the Commission

7. Any airport whose annual traffic has been for three consecutive years not less than 5 million passenger movements or 100 000 tonnes of freight and whose annual traffic passes under the threshold of 5 million passenger movements or 100 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three years following the year it passed under the threshold.

Amendment

deleted

Or. de

Amendment 188
Giommaria Uggias

Proposal for a regulation
Article 6 – paragraph 7

Text proposed by the Commission

Amendment

7. Any airport whose annual traffic has been for three consecutive years not less than 5 million passenger movements or 100 000 tonnes of freight and whose annual traffic passes under the threshold of 5 million passenger movements or 100 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three years following the year it passed under the threshold.

deleted

Or. it

Amendment 189
Sabine Wils

Proposal for a regulation
Article 6 – paragraph 7

Text proposed by the Commission

Amendment

7. Any airport whose annual traffic has been for three consecutive years not less than 5 million passenger movements or 100 000 tonnes of freight and whose annual traffic passes under the threshold of 5 million passenger movements or 100 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three years following the year it passed under the threshold.

deleted

Or. en

Justification

Redundant provision if the EC new threshold is rejected as asked by deleting it in art 6, par 4, 2nd indent.

Amendment 190
Georges Bach

Proposal for a regulation
Article 6 – paragraph 7

Text proposed by the Commission

Amendment

7. Any airport whose annual traffic has been for three consecutive years not less than 5 million passenger movements or 100 000 tonnes of freight and whose annual traffic passes under the threshold of 5 million passenger movements or 100 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three years following the year it passed under the threshold. *deleted*

Or. de

Amendment 191
Knut Fleckenstein, Jörg Leichtfried, Petra Kammerevert

Proposal for a regulation
Article 6 – paragraph 7

Text proposed by the Commission

Amendment

7. Any airport whose annual traffic has been for three consecutive years not less than 5 million passenger movements or 100 000 tonnes of freight and whose annual traffic passes under the threshold of 5 million passenger movements or 100 000 tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three *deleted*

years following the year it passed under the threshold.

Or. de

Amendment 192
Eva Lichtenberger

Proposal for a regulation
Article 6 – paragraph 7

Text proposed by the Commission

7. Any airport whose annual traffic has been for three consecutive years not less than 5 million passenger movements or **100 000** tonnes of freight and whose annual traffic passes under the threshold of 5 million passenger movements or **100 000** tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three years following the year it passed under the threshold.

Amendment

7. Any airport whose annual traffic has been for three consecutive years not less than **10** million passenger movements or **200 000** tonnes of freight and whose annual traffic passes under the threshold of **10** million passenger movements or **200 000** tonnes of freight shall maintain its market open to third-party handling suppliers during at least the first three years following the year it passed under the threshold.

Or. en

Amendment 193
Wolf Klinz

Proposal for a regulation
Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. It is the responsibility of the Member States to decide on the gradual removal of limits on the number of service providers and on the duration of the suspension period to be requested.

Or. de

Amendment 194
Thomas Mann

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Suppliers authorised to provide groundhandling services at an airport where their number is limited under Article 6 or Article 14 shall be selected according to a transparent, open and non-discriminatory tender procedure.

Amendment

1. Suppliers authorised to provide groundhandling services at an airport where their number is limited under Article 6 or Article 14 shall be selected according to a transparent, open and non-discriminatory tender procedure. ***The tendering authority shall have the power to require that suppliers of groundhandling services are obliged to offer one or more bundled categories of groundhandling services referred to in Article 6(2). The managing body shall be authorised to make the corresponding application for bundling to the tendering authority.***

Or. de

Amendment 195
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Suppliers authorised to provide groundhandling services at an airport where their number is limited under Article 6 or Article 14 shall be selected according to a transparent, open and non-discriminatory tender procedure.

Amendment

1. Suppliers authorised to provide groundhandling services at an airport where their number is limited under Article 6 or Article 14 shall be selected according to a transparent, open and non-discriminatory tender procedure. ***In this case, the tendering authority may, perhaps at the request of the managing body of the airport, determine that the supplier must offer a package of one or more categories of services referred to in Article 6(2), if this is deemed necessary***

for operational reasons or for the efficient use of handling capacity.

Or. de

Justification

There are four categories of services for which the number of suppliers can be limited to a minimum number (see Article 6, paragraph 2). For operational reasons or for the efficient use of airport surface, suppliers may need to be obliged to offer several categories of services. At the same time, this can help counter cherry-picking of only the more lucrative services.

Amendment 196
Wolf Klinz

Proposal for a regulation
Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) in all other cases, a competent authority independent of the managing body of the airport.

Amendment

(b) in all other cases, a competent authority **fully** independent of the managing body of the airport **and of any other company with direct or indirect control or providing groundhandling services.**

Or. de

Amendment 197
Erik Bánki, Ádám Kósa

Proposal for a regulation
Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) in all other cases, a competent authority independent of the managing body of the airport.

Amendment

(b) in all other cases, a competent authority **fully** independent of the managing body **of the airport and of any other stakeholder with commercial interests in the activities** of the airport.

Or. en

Justification

Full independence from any stakeholder involved in the airport undertaking is necessary in the selection of suppliers where their number is limited as they are the competitors of the airport handling company. It is not sufficient for the tendering authority to be formally independent from the managing body of the airport; it must be institutionally and effectively fully independent of the managing body of the airport and other stakeholders with potential conflicts of interests.

Amendment 198

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

5. The invitation to tender shall be launched and published in the Official Journal of the European Union.

Amendment

5. The invitation to tender shall be launched and published in the Official Journal of the European Union. ***The Official Journal of the European Union shall create an appropriate heading for the groundhandling services tender procedure.***

Or. de

Justification

Paragraph 5 provides for the launch of an invitation to tender in the Official Journal of the European Union to select the suppliers. It is high time that the Commission work on setting up an appropriate heading for the groundhandling services tender procedure in the Official Journal as this invitation to tender is not subject to the usual material, formal and procedural rules for tendering procedures.

Amendment 199

Georges Bach

Proposal for a regulation

Article 7 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. If an invitation to tender does not manage to find the requisite number of suppliers of groundhandling services referred to in Article 6(2), the competent authority should conduct a new invitation to tender within 48 months of the expiry of the previous one.

Or. de

Amendment 200
Jörg Leichtfried

Proposal for a regulation
Article 8 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the applicant has a valid approval **issued in accordance with chapter IV on Approval Procedures;**

(a) the applicant has a valid approval **for all services offered at an airport.**

Or. de

Justification

The services for which the number of suppliers may be limited should still have to be offered as packages in the future. This is the only way of preventing several suppliers of groundhandling services offering individual services requiring little capital investment, but not other services such as aircraft de-icing. This rule must in any case also apply to any subcontractors. Tenderers must demonstrate their capabilities for all packages of services.

Amendment 201
Thomas Mann, Georges Bach

Proposal for a regulation
Article 8 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(aa) the applicant meets the requirements of Articles 34 and 40;

Or. de

Amendment 202

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the applicant demonstrates its ability and commits in writing to apply the relevant provisions and rules including applicable labour laws, ***applicable collective agreements***, rules of conduct at the airport and quality requirements at the airport.

(b) the applicant demonstrates its ability and commits in writing to apply the relevant provisions and rules including applicable labour laws, rules of conduct at the airport and quality requirements at the airport. ***The applicant also undertakes to apply the respective representative collective agreements.***

Or. de

Justification

This wording is needed since companies that have not concluded any applicable collective agreements are also covered by the scope of representative collective agreements.

Amendment 203

Sabine Wils

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the applicant demonstrates its ability and commits in writing to apply the relevant provisions and rules including applicable labour laws, applicable

(b) the applicant demonstrates its ability and commits in writing to apply the relevant provisions and rules including applicable labour laws, applicable

collective agreements, rules of conduct at the airport and quality requirements at the airport.

representative collective agreements, rules of conduct at the airport and quality requirements at the airport.

Or. en

Justification

Clarification needed in the text.

Amendment 204
Thomas Mann, Georges Bach

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. In the award procedure the tendering authority shall select a supplier among the short-listed applicants and award the authorisation to this supplier after consulting the Airport Users' Committee and the managing body of the airport, if the latter is different from the tendering authority.

Amendment

1. ***The basic tender documents must take local conditions into account, and therefore have to be drawn up by the managing body of the airport. These documents include the establishment of minimum quality standards that take into account the provisions of Articles 34 and 40, as well as a representative flight schedule.*** In the award procedure the tendering authority shall select a supplier among the short-listed applicants and award the authorisation to this supplier after consulting the Airport Users' Committee and the managing body of the airport, if the latter is different from the tendering authority.

Or. de

Justification

Articles 34 and 40 define basic minimum requirements, non-compliance with which must lead to a decision to withdraw, suspend or not to grant the licence.

Amendment 205
Michael Gahler, Markus Ferber

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. In the award procedure the tendering authority shall select a supplier among the short-listed applicants and award the authorisation to this supplier after consulting the Airport Users' Committee and the managing body of the airport, if the latter is different from the tendering authority.

Amendment

1. *The managing body of the airport shall draw up the tender documents as the basis for the award procedure and shall, in particular, establish a representative flight schedule and minimum quality standards.*
In the award procedure the tendering authority shall select a supplier among the short-listed applicants and award the authorisation to this supplier after consulting the Airport Users' Committee and the managing body of the airport, if the latter is different from the tendering authority.

Or. de

Justification

Any reference to the airport is missing from the very detailed rules on selection of the supplier to an airport.

Amendment 206
Erik Bánki, Ádám Kósa

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. The selection of the supplier for the award of the authorisation shall be based on comparison of the applicants' submissions against a list of award criteria. The award criteria shall be relevant, objective, transparent and non-discriminatory. The tendering authority shall establish the award criteria **after**

Amendment

2. The selection of the supplier for the award of the authorisation shall be based on comparison of the applicants' submissions against a list of award criteria. The award criteria shall be relevant, objective, transparent and non-discriminatory. The tendering authority shall establish the award criteria **in**

consulting the Airport Users' Committee and the managing body of the airport, if the latter is different from the tendering authority.

agreement with the Airport Users' Committee and the managing body of the airport, if the latter is different from the tendering authority.

Or. en

Justification

As they rely heavily on the quality and efficiency of groundhandling services, airlines have a prime interest in the selection of groundhandling suppliers. Accordingly, where the choice of suppliers is limited, the Airport Users' Committee must be directly involved in the selection of suppliers. A mere consultation is insufficient.

Amendment 207

Thomas Mann, Georges Bach

Proposal for a regulation

Article 9 – paragraph 3 – introductory part

Text proposed by the Commission

3. The award criteria **shall include the following**:

Amendment

3. The **following** award criteria **may be used. Taking local conditions into account, these may be extended, curtailed or removed, with the exclusion of award criteria resulting from Articles 34 and 40. The introduction of these criteria shall be mandatory in all Member States:**

Or. de

Amendment 208

Michael Gahler, Markus Ferber

Proposal for a regulation

Article 9 – paragraph 3 – introductory part

Text proposed by the Commission

3. The award criteria **shall** include the following:

Amendment

3. The award criteria **may** include the following:

Justification

The rules relating to the award criteria are too rigid for practical application.

Amendment 209

Christine De Veyrac, Dominique Vlasto

Proposal for a regulation

Article 9 – paragraph 3 – point a

Text proposed by the Commission

(a) consistency and plausibility of the business plan as assessed *on the basis of model costs calculations*;

Amendment

(a) consistency and plausibility of the business plan as assessed *for the first three years*;

Or. fr

Justification

The assessment of the business plan under this point should only be for the first three years. Using model costs would seem to be difficult in practice.

Amendment 210

Jörg Leichtfried

Proposal for a regulation

Article 9 – paragraph 3 – point b

Text proposed by the Commission

(b) level of quality of operations as assessed on the basis of a representative flight schedule including, where relevant, efficient use of *staff and* equipment, last acceptance of baggage and cargo, delivery times for baggage and cargo and maximum turnaround times;

Amendment

(b) level of quality of operations as assessed on the basis of a representative flight schedule including, where relevant, efficient use of equipment, last acceptance of baggage and cargo, delivery times for baggage and cargo and maximum turnaround times;

Or. de

Justification

Pursuant to paragraph 3, there are a number of award criteria which must be supplemented by social standards. Point b determines the criteria by which the level of quality of operations should be assessed. One of these is, for example, the efficient use of staff. There is an urgent need to explain what is meant by the efficient use of staff. There is, besides, no information on whether the company offers fair conditions for workers, especially regarding wages and working conditions.

Amendment 211

Wolf Klinz

Proposal for a regulation

Article 9 – paragraph 3 – point c

Text proposed by the Commission

(c) adequateness of material resources in terms of availability *of equipment and* environmental friendliness of equipment;

Amendment

(c) adequateness of material resources in terms of availability, environmental friendliness *and good working order* of equipment;

Or. de

Amendment 212

Jutta Steinruck, Knut Fleckenstein, Andrea Cozzolino, Saïd El Khadraoui

Proposal for a regulation

Article 9 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(c a) decent employment and working conditions, including upholding workers' rights in the context of a transfer of staff in accordance with Article 12 of this Regulation;

Or. en

Amendment 213

Inés Ayala Sender

Proposal for a regulation
Article 9 – paragraph 3 – point d

Text proposed by the Commission

(d) adequateness of *human resources in terms of workers' experience and adequateness of training/qualification programme*;

Amendment

(d) adequateness of *employment and working conditions including the safeguarding of employees' rights in case of staff transfers upon a change of provider for groundhandling services leading to the application of the Directive 2001/23/EC, according to the Article 12, and a commitment to apply the representative collective labour agreements*;

Or. en

Amendment 214
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 9 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) pass marks in a safety audit. The standards for safety audits must comply with the specifications adopted by the Commission. The Commission shall be empowered to adopt those specifications by means of delegated acts in accordance with Article 42.

Or. de

Amendment 215
Christine De Veyrac, Jim Higgins, Dominique Vlasto, Michel Dantin

Proposal for a regulation
Article 9 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

***(fa) procedures and safeguards
established to ensure compliance with
safety and security requirements;***

Or. fr

Justification

It would seem important that the supplier chosen meet safety and security requirements since it will be carrying on its activities in proximity to aircraft.

Amendment 216

Ramon Tremosa i Balcells

Proposal for a regulation

Article 9 – paragraph 3 – point g a (new)

Text proposed by the Commission

Amendment

***(g a) successful completion of an industry
recognised safety audit;***

Or. en

Justification

The award criteria must be defined by the tendering authority in agreement with airport users and the managing body of the airport. The regulatory framework should provide for sufficient flexibility to take into account the specific circumstances of airports; it should not be defined rigidly by the Commission.(h): Considering the importance of safety and training for the quality of groundhandling services, the possibility to require the successful completion of an internationally recognised safety audit should be underlined.

Amendment 217

Giommaria Uggias

Proposal for a regulation

Article 9 – paragraph 3 – point g a (new)

Text proposed by the Commission

Amendment

(ga) an internationally-recognised audit attesting to the sound environmental performance of the supplier.

Or. it

Amendment 218
Jörg Leichtfried

Proposal for a regulation
Article 9 – paragraph 3 – point g a (new)

Text proposed by the Commission

Amendment

(ga) compliance with social standards, as assessed by the conditions for workers, especially wages and working conditions.

Or. de

Justification

Pursuant to paragraph 3, there are a number of award criteria which must be supplemented by social standards. Point b determines the criteria by which the level of quality of operations should be assessed. One of these is, for example, the efficient use of staff. There is an urgent need to explain what is meant by the efficient use of staff. There is, besides, no information on whether the company offers fair conditions for employees, especially regarding wages and working conditions.

Amendment 219
Ramon Tremosa i Balcells

Proposal for a regulation
Article 9 – paragraph 3 – point g b (new)

Text proposed by the Commission

Amendment

(g b) proposed level of groundhandling charges.

Justification

In a tender procedure, the price of the services which will be offered by the selection provider should be taken into account in the final decision.

Amendment 220

Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Suppliers of groundhandling services shall be authorised for a ***minimum period of seven years and a maximum*** period of ten years except in the case of exemptions for the opening of self-handling and third-party groundhandling as provided for in Article 14 (1). The exact period for which the suppliers are authorised and the date to start operations shall be clearly indicated in the invitation to tender.

Amendment

1. Suppliers of groundhandling services shall be authorised for a period of ten years except in the case of exemptions for the opening of self-handling and third-party groundhandling as provided for in Article 14 (1). The exact period for which the suppliers are authorised and the date to start operations shall be clearly indicated in the invitation to tender.

Amendment 221

Christine De Veyrac, Dominique Vlasto

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. A supplier of groundhandling services shall begin to provide services within one month from the start date indicated in the invitation to tender. The tendering authority may, in duly justified cases, at the request of the supplier of groundhandling services and after consulting the Airport Users' Committee, prolong this period for a

Amendment

2. A supplier of groundhandling services shall begin to provide services within one month from the start date indicated in the invitation to tender. The tendering authority may, in duly justified cases, at the request of the supplier of groundhandling services and after consulting the Airport Users' Committee, prolong this period for a

maximum of *six* months. *After expiry of this period*, the authorisation will cease to be valid.

maximum of *five* months. *If, after six months from the start date indicated in the invitation to tender, the supplier has not started its activities and cannot demonstrate its willingness to do so, the tendering authority may decide that the authorisation will cease to be valid. In such cases, Member States may impose financial penalties on suppliers of groundhandling services and instead grant authorisation to suppliers ranked second in terms of the number of points under Article 9(5).*

Or. fr

Justification

The deadline in question should be extended to six months. However, should the supplier chosen not meet its obligations, it would seem only correct for financial penalties to be imposed on it and for the authorisation granted to be withdrawn and awarded to the supplier ranked second under the procedure set out in this Regulation.

Amendment 222 **Gesine Meissner**

Proposal for a regulation **Article 10 – paragraph 3**

Text proposed by the Commission

3. The tendering authority shall anticipate the end of the authorisation period and shall ensure that any supplier selected after a new invitation to tender is authorised to start its operations the day following the last day of the authorisation period of the previously selected supplier(s).

Amendment

3. The tendering authority shall anticipate the end of the authorisation period and shall ensure that any supplier selected after a new invitation to tender is authorised to start its operations the day following the last day of the authorisation period of the previously selected supplier(s). *If the newly selected supplier is unable to start operations because the decision by the tendering authority is not final, the tendering authority shall, on its own initiative, extend the previously selected supplier's concession until its decision enters into legal force. The owner of the*

previous concession shall be legally obliged to continue operations up to this point in time.

Or. de

Justification

Even if the tendering authority has anticipated the end of the authorisation period and selected a new supplier, there is no guarantee that this selection decision can be enforced on schedule. Complaints are often made against selection decisions which can take years for the courts to process.

Amendment 223
Vilja Savisaar-Toomast

Proposal for a regulation
Article 10 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

If the Member State does not succeed in finding a supplier of groundhandling services for this limited period of time, the Member State shall regulate the prices of those groundhandling services for which a temporary monopoly exists until a further supplier starts providing these groundhandling services at the airport.

deleted

Or. en

Amendment 224
Erik Bánki, Ádám Kósa

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Managing body of the airport as supplier of groundhandling services

1. Where the number of suppliers of groundhandling services is limited in accordance with Article 6, the managing body of the airport may itself provide groundhandling services without being subject to the selection procedure laid down in Articles 7 to 10. Similarly, it may, without following this procedure, authorise an undertaking to provide groundhandling services at the airport concerned:

(a) if it controls that undertaking directly or indirectly;

(b) if the undertaking controls it directly or indirectly.

2. Where a managing body of the airport supplying groundhandling services in accordance with paragraph (1) no longer meets the conditions of paragraph (1), this supplier may continue to provide groundhandling services for a period of five years without being subject to the selection procedure laid down in Articles 7 to 10. At the end of this five-year period, the supplier shall inform the relevant tendering authority sufficiently in advance and at least six months before the expiry of the five-year period. Financial penalties may be imposed on the supplier if it does not inform the tendering authority sufficiently in advance unless the supplier can demonstrate force majeure. If the supplier ceases its activity before the end of the five-year period, Articles 10 (4) and 10 (5) shall apply.

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.

Amendment 225
Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a regulation
Article 11 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) if the undertaking satisfies the criteria set out in Chapter IV concerning approval procedures.

Or. fr

Justification

Any undertaking authorised by the airport managing body to operate on the market without being subject to the selection procedure must satisfy the minimum conditions set out in this Regulation in order to ensure efficiency and security in its provision of services.

Amendment 226
Christine De Veyrac, Dominique Vlasto

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Where a managing body of the airport supplying groundhandling services in accordance with paragraph (1) no longer meets the conditions of paragraph (1), this supplier may continue to provide groundhandling services for a period of **five** years without being subject to the selection procedure laid down in Articles 7 to 10. At the end of this **five**-year period, the supplier shall inform the relevant tendering authority sufficiently in advance and at least six months before the expiry of the five-year period. Financial penalties may be imposed on the supplier if it does not inform the tendering authority sufficiently in advance unless the supplier

2. Where a managing body of the airport supplying groundhandling services in accordance with paragraph (1) no longer meets the conditions of paragraph (1), this supplier may continue to provide groundhandling services for a period of **three** years without being subject to the selection procedure laid down in Articles 7 to 10. At the end of this **three**-year period, the supplier shall inform the relevant tendering authority sufficiently in advance and at least six months before the expiry of the five-year period. Financial penalties may be imposed on the supplier if it does not inform the tendering authority sufficiently in advance unless the supplier

can demonstrate force majeure. If the supplier ceases its activity before the end of the **five**-year period, Articles 10 (4) and 10 (5) shall apply.

can demonstrate force majeure. If the supplier ceases its activity before the end of the **three**-year period, Articles 10 (4) and 10 (5) shall apply.

Or. fr

Justification

The time period should be decreased, while sticking to the objective of a gradual withdrawal of airport managing bodies from this market in favour of independent undertakings. Were that time period to be less than three years, the airport managing body would stand to make no significant economic gain from ceding that branch of its activities.

Amendment 227

Jörg Leichtfried

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. Where, following the selection procedure laid down in Articles 7 to 10, a supplier of groundhandling services mentioned in paragraph 1 loses its authorisation to provide these services, Member States **may** require supplier(s) of groundhandling services which subsequently provide these services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Amendment

2. Where, following the selection procedure laid down in Articles 7 to 10, a supplier of groundhandling services mentioned in paragraph 1 loses its authorisation to provide these services, Member States **shall** require supplier(s) of groundhandling services which subsequently provide these services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Or. de

Justification

It should not be left to the discretion of each Member State whether to apply the Directive on the transfer of businesses even if no such transfer has taken place. The only way to ensure that competition does not come at the expense of the workers is to change the word 'may' to 'shall'.

Amendment 228
Eva Lichtenberger

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. Where, following the selection procedure laid down in Articles 7 to 10, a supplier of groundhandling services mentioned in paragraph 1 loses its authorisation to provide these services, Member States *may* require supplier(s) of groundhandling services which subsequently provide these services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Amendment

2. Where, following the selection procedure laid down in Articles 7 to 10, a supplier of groundhandling services mentioned in paragraph 1 loses its authorisation to provide these services, Member States *shall* require supplier(s) of groundhandling services which subsequently provide these services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Or. en

Amendment 229
Carlo Fidanza, Salvatore Tatarella

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. Where, following the selection procedure laid down in Articles 7 to 10, a supplier of groundhandling services mentioned in paragraph 1 loses its authorisation to provide these services, Member States *may* require supplier(s) of groundhandling services which subsequently provide these services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Amendment

2. Where, following the selection procedure laid down in Articles 7 to 10, a supplier of groundhandling services mentioned in paragraph 1 loses its authorisation to provide these services, Member States *must* require supplier(s) of groundhandling services which subsequently provide these services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Amendment 230
Vilja Savisaar-Toomast

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. Where, following the selection procedure laid down in Articles 7 to 10, a supplier of groundhandling services mentioned in paragraph 1 loses its authorisation to provide these services, Member States *may* require supplier(s) of groundhandling services which subsequently provide these services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Amendment

2. Where, following the selection procedure laid down in Articles 7 to 10, a supplier of groundhandling services mentioned in paragraph 1 loses its authorisation to provide these services, Member States *shall* require supplier(s) of groundhandling services which subsequently provide these services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Amendment 231
Carlo Fidanza, Salvatore Tatarella

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. *Where a Member State imposes a requirement as referred to in paragraph (2), tender* documents for the selection procedure laid down in Articles 7 to 10 shall list the staff concerned and give the relevant details of employees' contractual rights and the conditions under which employees are deemed to be linked to the services in question.

Amendment

5. *The tender* documents for the selection procedure laid down in Articles 7 to 10 shall list the staff concerned and give the relevant details of employees' contractual rights and the conditions under which employees are deemed to be linked to the services in question.

Amendment 232
Vilja Savisaar-Toomast

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. *Where a Member State imposes a requirement as referred to in paragraph (2)*, tender documents for the selection procedure laid down in Articles 7 to 10 shall list the staff concerned and give the relevant details of employees' contractual rights and the conditions under which employees are deemed to be linked to the services in question.

Amendment

5. Tender documents for the selection procedure laid down in Articles 7 to 10 shall list the staff concerned and give the relevant details of employees' contractual rights and the conditions under which employees are deemed to be linked to the services in question.

Or. en

Amendment 233
Jörg Leichtfried

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

6. Where a supplier of groundhandling services stops providing to an airport user groundhandling services which constitute a significant part of the groundhandling activities of this supplier in cases not covered by paragraph (2), or where a self-handling airport user decides to stop self-handling, Member States *may* require the supplier(s) of groundhandling services or self-handling airport user which subsequently provide these groundhandling services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had

Amendment

6. Where a supplier of groundhandling services stops providing to an airport user groundhandling services which constitute a significant part of the groundhandling activities of this supplier in cases not covered by paragraph (2), or where a self-handling airport user decides to stop self-handling, Member States *shall* require the supplier(s) of groundhandling services or self-handling airport user which subsequently provide these groundhandling services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had

been a transfer within the meaning of Council Directive 2001/23/EC.

been a transfer within the meaning of Council Directive 2001/23/EC.

Or. de

Justification

The new rule grants workers the right to accept or reject an offer to transfer operations on a voluntary basis. No employee should be forced to change undertaking and possibly have to accept poorer wages and working conditions in the future.

Amendment 234

Eva Lichtenberger

Proposal for a regulation

Article 12 – paragraph 6

Text proposed by the Commission

6. Where a supplier of groundhandling services stops providing to an airport user groundhandling services which constitute a significant part of the groundhandling activities of this supplier in cases not covered by paragraph (2), or where a self-handling airport user decides to stop self-handling, Member States *may* require the supplier(s) of groundhandling services or self-handling airport user which subsequently provide these groundhandling services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Amendment

6. Where a supplier of groundhandling services stops providing to an airport user groundhandling services which constitute a significant part of the groundhandling activities of this supplier in cases not covered by paragraph (2), or where a self-handling airport user decides to stop self-handling, Member States *shall* require the supplier(s) of groundhandling services or self-handling airport user which subsequently provide these groundhandling services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC.

Or. en

Amendment 235

Sabine Wils

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) those airports are located on islands in the same geographical region; and

(a) those airports are located on islands in the same geographical region; ***for the purpose of this Regulation, an island is defined as a geographic land mass of less than 40 000 sq Km surrounded in its entirety by water;*** and

Or. en

Justification

Clarification on the definition of island.

Amendment 236
Jacqueline Foster

Proposal for a regulation
Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) those airports are located on islands in the same geographical region; and

(a) those airports are located on islands ***or remote mainland locations*** in the same geographical region; and

Or. en

Justification

To ensure that PSOs may be extended to airports in remote mainland locations as well as islands, for example, the Highlands of Scotland.

Amendment 237
Giommaria Uggias

Proposal for a regulation
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

In the case of airports located on islands, where it is not in the economic interests of undertakings or airlines to supply the services under Article 6(2), airport managing bodies themselves may assume responsibility for supplying essential services in order to guarantee the smooth operation of the airport facilities.

Or. it

Justification

In cases where the provision of groundhandling services is not economically viable, meaning that no undertaking is prepared to supply these, and it is not in the interests of the airlines themselves to provide such services as self-handling, the airport managing body should take on those services both to guarantee access to the island and its connections with the outside world and to ensure the provision of basic public services (emergency health, fire-fighting and rescue services, etc.).

Amendment 238
Jacqueline Foster

Proposal for a regulation
Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where ***specific constraints of*** available space or capacity at an airport, ***arising in particular from congestion and area utilisation rate, make it*** impossible to open up the market and/or implement self-handling to the degree provided for in this Regulation, the Member State concerned may decide:

1. Where available space or capacity at an airport ***is so constrained that it is*** impossible to open up the market and/or implement self-handling to the degree provided for in this Regulation, the Member State concerned may decide:

Or. en

Justification

Clarifies that exemptions pursuant to Article 14 are only justified in exceptional cases. The

current wording of Article 14 is too vague and creates a loophole in the regulation.

Amendment 239

Dieter-Lebrecht Koch

Proposal for a regulation

Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) to limit *to not fewer than two suppliers* the number of suppliers for one or more categories of groundhandling services other than those referred to in Article 6 (2) in all or part of the airport, whereby Article 6 (3) shall apply;

Amendment

(a) to limit the number of suppliers for one or more categories of groundhandling services other than those referred to in Article 6 (2) in all or part of the airport, whereby Article 6 (3) shall apply;

Or. de

Amendment 240

Dieter-Lebrecht Koch

Proposal for a regulation

Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) to reserve to a single supplier one or more of the categories of groundhandling services referred to in Article 6 (2) for airports whose annual traffic is not less than **2** million passengers annually or **50** 000 tonnes of freight;

Amendment

(b) to reserve to a single supplier one or more of the categories of groundhandling services referred to in Article 6 (2) for airports whose annual traffic is not less than **5** million passengers annually or **100** 000 tonnes of freight;

Or. de

Amendment 241

Dieter-Lebrecht Koch

Proposal for a regulation

Article 14 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) to limit to one or two suppliers one or more of the categories of groundhandling services referred to in Article 6 (2) for airports whose annual traffic is not less than 5 million passengers or 100 000 tonnes of freight, whereby in the case of a limitation to two suppliers Article 6 (3) shall apply;

deleted

Or. de

Amendment 242
Giommaria Uggias

Proposal for a regulation
Article 14 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) to limit to one or two suppliers one or more of the categories of groundhandling services referred to in Article 6 (2) for airports whose annual traffic is not less than 5 million passengers or 100 000 tonnes of freight, whereby in the case of a limitation to two suppliers Article 6 (3) shall apply;

deleted

Or. it

Amendment 243
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 14 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) to limit to one or two suppliers one or more of the categories of groundhandling services referred to in Article 6 (2) for

deleted

airports whose annual traffic is not less than 5 million passengers or 100 000 tonnes of freight, whereby in the case of a limitation to two suppliers Article 6 (3) shall apply;

Or. de

Amendment 244
Sabine Wils

Proposal for a regulation
Article 14 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) to limit to one or two suppliers one or more of the categories of groundhandling services referred to in Article 6 (2) for airports whose annual traffic is not less than 5 million passengers or 100 000 tonnes of freight, whereby in the case of a limitation to two suppliers Article 6 (3) shall apply;

deleted

Or. en

Justification

No new additional threshold is needed.

Amendment 245
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 14 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) to reserve self-handling as referred to in Article (5) to a limited number of airport users, provided that those users are chosen on the basis of relevant,

deleted

objective, transparent and non-discriminatory criteria.

Or. de

Amendment 246
Knut Fleckenstein, Jörg Leichtfried

Proposal for a regulation
Article 14 – paragraph 10

Text proposed by the Commission

10. Exemptions granted by Member States pursuant to paragraph (1) may not exceed a duration of three years except for exemptions granted under paragraph 1 (b) **and (c)**. Not later than six months before the end of that period the Member State shall take a new decision on each request for exemption, which shall also be subject to the provisions of this Article.

Amendment

10. Exemptions granted by Member States pursuant to paragraph (1) may not exceed a duration of three years except for exemptions granted under paragraph 1 (b). Not later than six months before the end of that period the Member State shall take a new decision on each request for exemption, which shall also be subject to the provisions of this Article.

Or. de

Amendment 247
Eva Lichtenberger

Proposal for a regulation
Article 14 – paragraph 10

Text proposed by the Commission

10. Exemptions granted by Member States pursuant to paragraph (1) may not exceed a duration of **three** years except for exemptions granted under paragraph 1 (b) and (c). Not later than six months before the end of that period the Member State shall take a new decision on each request for exemption, which shall also be subject to the provisions of this Article.

Amendment

10. Exemptions granted by Member States pursuant to paragraph (1) may not exceed a duration of **five** years except for exemptions granted under paragraph 1 (b) and (c). Not later than six months before the end of that period the Member State shall take a new decision on each request for exemption, which shall also be subject to the provisions of this Article.

Or. en

Amendment 248
Jörg Leichtfried

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 *ten* 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).

Or. de

Justification

At airports with low passenger numbers and a single supplier, the latter should be afforded greater security than two years for investments made in equipment and staff. This amendment seeks to extend the validity period for exemptions to 10 years.

Amendment 249
Knut Fleckenstein, Jörg Leichtfried

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.

Amendment

11. Exemptions granted by Member States under paragraphs (1) (b) 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).

The implementing decision shall be adopted in accordance with the advisory procedure referred to in Article 43 (2).

Or. de