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REPORT

on the proposal for a directive of the European Parliament and of the Council
on airport charges
(COM(2006)0820 – C6-0056/2007 – 2007/0013(COD))

Committee on Transport and Tourism

Rapporteur: Ulrich Stockmann

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	28
OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS.....	30
OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT.....	41
PROCEDURE.....	55

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on airport charges

(COM(2006)0820 – C6-0056/2007 – 2007/0013(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0820),
 - having regard to Articles 251(2) and 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0056/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Regional Development (A6-0497/2007),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Recital 1

(1) The main task and commercial activity of airports is to ensure the handling of aircraft, from landing to take-off, and of passengers and cargo, so as to enable air carriers to provide their air transport services. For this purpose, airports offer a number of facilities and services related to the operation of aircraft and the processing of passengers and cargo, the cost of which they generally recover through airport charges.

(1) The main task and commercial activity of airports is to ensure the handling of aircraft, from landing to take-off, and of passengers and cargo, so as to enable air carriers to provide their air transport services. For this purpose, airports offer a number of facilities and services related to the operation of aircraft and the processing of passengers and cargo, the cost of which they generally recover through airport charges. ***Facilities and services for which charges are levied should be provided on a cost-efficient basis.***

Justification

Airports should be obliged to provide their services with due regard to cost-efficiency.

Amendment 2 Recital 6

(6) **An** independent regulatory authority should be established in every Member State so as to ensure the impartiality of its decisions and the proper and effective application of this Directive. The authority should be in possession of all the necessary resources in terms of staffing, expertise, and financial means for the performance of its tasks.

(6) **One** independent regulatory authority should be **nominated or** established in every Member State so as to ensure the impartiality of its decisions and the proper and effective application of this Directive. The authority should be in possession of all the necessary resources in terms of staffing, expertise, and financial means for the performance of its tasks, ***so as to ensure that airports provide their services and facilities on an efficient and economic basis.***

Justification

It should be established to oversee the economic, social, commercial and financial practices of airports. Focus should be on equalizing the interests of airlines, airports, passengers and freight forwarders, eliminating distortions of competition and establishing a true level playing field. The regulator should be able to act upon request of one of the parties for intervention, and must not delegate any of its powers to lower authorities as this would undermine its responsibility and authority. It should be truly independent of all stakeholders: if that is not the case, then a national appeal body must also be established;

With the amendment the recital is in line with Article 10 (1). Wherever it is possible the independent regulatory authority should be nominated in order to avoid further extension of bureaucracy in Member States.

Amendment 3 Recital 9

(9) **Due to** the emergence of air carriers operating air services at low *costs*, airports served by these carriers should be enabled to apply charges corresponding to the infrastructure and/or the level of service provided as air carriers have a legitimate interest *to require* services from an airport that correspond *with* the price/quality ratio. However, access to such **reduced** level of infrastructure or services should be open to all carriers that wish to avail of them on a

(9) **Given** the emergence of air carriers operating air services at low *cost*, airports served by these carriers should be enabled to apply charges corresponding to the infrastructure and/or the level of service provided as air carriers have a legitimate interest *in requiring* services from an airport that correspond *to* the price/quality ratio. However, access to such **a different** level of infrastructure or services should be open to all carriers that wish to avail *themselves* of

non-discriminatory basis. *In case* demand exceeds supply, access must be determined on the basis of objective and non-discriminatory criteria to be developed by an airport managing body.

them on a non-discriminatory basis. *If* demand exceeds supply, access must be determined on the basis of objective and non-discriminatory criteria to be developed by an airport managing body. ***Any differentiation and/or increase in charges should be transparent, objective and based on clear criteria. Differentiation might be considered an incentive for the opening up of new routes and thus aid regional development in regions which suffer from geographical and natural handicaps, including the outermost regions.***

Justification

The cost is not necessarily reduced, but might be higher. Consequently the term 'different' seems more appropriate.

The amendment is intended to clarify the conditions under which differentiation may be made.

Amendment 4 Recital 10

(10) As the methods for establishing and levying the amounts due for the coverage of security costs differ across the Community, the harmonisation of the basis for charging security costs at Community airports where the costs of security are reflected in the airport charges is necessary. At these airports the charge should be related to the cost *for* providing security, taking into account any public financing of security costs.

(10) As the methods for establishing and levying the amounts due for the coverage of security costs differ across the Community, the harmonisation of the basis for charging security costs at Community airports where the costs of security are reflected in the airport charges is necessary. At these airports the charge should be related to the ***actual*** cost of providing security, ***with accurate management of*** any public financing ***and State aid granted to meet*** security costs, ***and the service should be provided at cost price as a result of which no profits are made . The revenue obtained from airport charges introduced to cover security costs should be used exclusively for implementing security measures.***

Justification

More precise wording. State aid or other form of public financing cannot lead to any increase of airport charges.

Security charges must not exceed the actual cost of the security measures.

In order to ensure security for passengers and for airports' necessary infrastructures, there will be a need for investment whose costs will be recovered from airport charges.

Amendment 5
Recital 11

(11) Airport users should be entitled to a **minimum** level of service in return for the charges they pay. To ensure this, the service level should be the subject of agreement between the airport managing body and the association(s) representing the airport users at the airport, to be concluded at regular intervals.

(11) Airport users should be entitled to a **fixed** level of service in return for the charges they pay. To ensure this, the service level should be the subject of agreement between the airport managing body and the association(s) representing the airport users at the airport, to be concluded at regular intervals.

Justification

The level of service should not be determined purely in line with a minimum standard.

Amendment 6
Article 1, paragraph 1

1. This Directive sets common principles for the levying of airport charges at Community airports.

1. This Directive sets common principles for the levying of airport charges at Community airports. ***This shall be without prejudice to the freedom of the airport managing body to opt for the single or dual till system or for a combined system.***

Justification

Owing to differing business models in the European Union there are various methods for calculating charges. In accordance with the subsidiarity principle, the choice of business model and the method of calculating charges should remain at the discretion of the airport operator.

Amendment 7
Article 1, paragraph 2, subparagraph 1

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty and open to commercial traffic whose annual traffic is over ***1 million passenger movements or 25 000 tonnes of cargo.***

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty and open to commercial traffic whose annual traffic is over ***5 million passenger movements or which accounts annually for more than 15 % of the passenger movements in the***

Member State in which it is located.

Member States may, after a thorough investigation by the national competition authority, also apply this directive to other airports if this proves necessary.

Justification

Zweck der vorliegenden Richtlinie ist es, den eventuellen Missbrauch einer marktbeherrschenden Stellung von Flughäfen zu unterbinden. Die Erfahrung zeigt jedoch, dass insbesondere an den kleineren Flughäfen ein solches Missbrauchsrisiko nicht gegeben ist. Vor diesem Hintergrund stellt die von der Europäischen Kommission vorgeschlagene Schwelle für den Anwendungsbereich von 1 Million Fluggastbewegungen oder mehr als 25.000 Tonnen Luftfrachtaufkommen keinen sinnvollen Indikator für das Vorhandensein von Marktmacht dar. Entsprechend der Kategorisierung durch die Europäische Kommission in den "Gemeinschaftlichen Leitlinien für die Finanzierung von Flughäfen und die Gewährung staatlicher Anlaufbeihilfen für Luftfahrtunternehmen auf Regionalflughäfen" vom September 2005 sollte diese Richtlinie lediglich auf Flughäfen mit mehr als 5 Mio. jährlichen Fluggastbewegungen Anwendung finden, d.h. auf Flughäfen der Kategorie B („nationale Flughäfen“ mit 5 bis 10 Mio. Passagieren jährlich) und der Kategorie A („große Gemeinschaftsflughäfen“ mit über 10 Mio. Passagieren jährlich) sowie auf alle Flughäfen mit mindestens 15% der Fluggastbewegungen ihres Mitgliedstaates, so dass eine EU-weite Anwendung der Richtlinie sichergestellt ist. Ebenso sollten Flughafennetzwerke und alle in Flughafennetzwerken organisierten Flughäfen unter den Anwendungsbereich der vorliegenden Richtlinie fallen.

This directive should apply to all airports which have a certain dominance on the market, i.e. it should be possible to extend the application of the directive on the basis of an investigation by the competition authorities.

Amendment 8

Article 1, paragraph 2, subparagraph 1 a (new)

Member States shall publish a list of the airports on their territory to which this Directive applies. This list shall be based on data from EUROSTAT and shall be updated annually.

Justification

Only airports with a (possible) dominant position should be included in the scope of this Directive.

Amendment 9

Article 1, paragraph 2, subparagraph 2 a (new)

This directive also applies to airport networks and all airports organised into networks in any territory subject to the provisions of the EC Treaty.

Justification

Zweck der vorliegenden Richtlinie ist es, den eventuellen Missbrauch einer marktbeherrschenden Stellung von Flughäfen zu unterbinden. Die Erfahrung zeigt jedoch, dass insbesondere an den kleineren Flughäfen ein solches Missbrauchsrisiko nicht gegeben ist. Vor diesem Hintergrund stellt die von der Europäischen Kommission vorgeschlagene Schwelle für den Anwendungsbereich von 1 Million Fluggastbewegungen oder mehr als 25.000 Tonnen Luftfrachtaufkommen keinen sinnvollen Indikator für das Vorhandensein von Marktmacht dar. Entsprechend der Kategorisierung durch die Europäische Kommission in den "Gemeinschaftlichen Leitlinien für die Finanzierung von Flughäfen und die Gewährung staatlicher Anlaufbeihilfen für Luftfahrtunternehmen auf Regionalflughäfen" vom September 2005 sollte diese Richtlinie lediglich auf Flughäfen mit mehr als 5 Mio. jährlichen Fluggastbewegungen Anwendung finden, d.h. auf Flughäfen der Kategorie B („nationale Flughäfen“ mit 5 bis 10 Mio. Passagieren jährlich) und der Kategorie A („große Gemeinschaftsflughäfen“ mit über 10 Mio. Passagieren jährlich) sowie auf alle Flughäfen mit mindestens 15% der Fluggastbewegungen ihres Mitgliedstaates, so dass eine EU-weite Anwendung der Richtlinie sichergestellt ist. Ebenso sollten Flughafennetzwerke und alle in Flughafennetzwerken organisierten Flughäfen unter den Anwendungsbereich der vorliegenden Richtlinie fallen.

Amendment 10

Article 1, paragraph 2, subparagraph 2

This Directive shall not apply to the charges collected for the remuneration of en-route and terminal air navigation services in accordance with Commission Regulation (EC) 1794/2006 laying down a common charging scheme for air navigation services, or to the charges collected for the remuneration of groundhandling services referred to in the Annex of Council Directive 96/67/EC on access to the groundhandling market at Community airports

This Directive shall not apply to the charges collected for the remuneration of en-route and terminal air navigation services in accordance with Commission Regulation (EC) 1794/2006 laying down a common charging scheme for air navigation services, or to the charges collected for the remuneration of groundhandling services referred to in the Annex of Council Directive 96/67/EC on access to the groundhandling market at Community airports, ***or to the charges levied for the funding of assistance to disabled passengers and passengers with reduced mobility referred to in Regulation (EC) 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by***

*air*¹.

¹ OJ L204, 26.7.2006, p. 1.

Justification

By analogy with Regulation (EC) 1794/2006 and Directive 96/67/EC, the subject matter of Regulation (EC) 1107/2006 should also be excluded from the scope of this directive.

Amendment 11
Article 2, point (b)

(b) ‘airport managing body’ means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws or regulations the administration and management of the airport infrastructures and the co-ordination and control of the activities of the different operators present in the airports concerned;

(b) ‘airport managing body’ means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws or regulations the administration and management of the airport **or airport network** infrastructures and the co-ordination and control of the activities of the different operators present in the airports **or airport network** concerned;

Justification

More accurate wording, in line with amendment on Article 2, point (a a).

Amendment 12
Article 2, point (d)

(d) ‘airport charge’ means a levy collected for the benefit of the airport managing body and paid by the airport users and/or air passengers **with a view to recovering all or part of the cost** of facilities and services which are exclusively provided by the airport management body and which are related to landing, take-off, lighting and parking of aircraft, and processing of passengers and freight;

(d) ‘airport charge’ means a levy collected for the benefit of the airport managing body and paid by the airport users and/or air passengers **for the use** of facilities and services which are exclusively provided by the airport management body and which are related to landing, take-off, lighting and parking of aircraft, and processing of passengers and freight;

Justification

The definition of 'airport charge' for the purpose of the directive should not include reference to factors which determine the level of airport charges.

Amendment 13
Article 2, point (e)

(e) ‘security charge’ means a levy which is specifically designed to recover all or part of the cost of security measures intended to protect civil aviation against acts of unlawful interference.

(e) ‘security charge’ means a levy which is specifically designed to recover all or part of the cost of **minimum** security measures intended to protect civil aviation against acts of unlawful interference, ***laid down in Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security¹.***

¹ OJ L 355, 30.12.2002, p. 1.

Justification

Clarification.

Amendment 14
Article 2, Point (e a) (new)

(ea) ‘airport network’ means a number of airports in a Member State that are operated by an airport management body designated by the relevant national authority.

Justification

In some EU Member States (Spain, Portugal, Greece, Sweden and Finland), air transport is organised through airport groups, to take account of the particular geographical circumstances and enable all citizens and undertakings to access the air transport network. Appropriate account should be taken of this particularity.

Amendment 15
Article 3, paragraph 1 a (new)

This provision shall not stand in the way of the introduction of adjustments to charges for objective, transparent reasons of general interest.

Justification

The Member States should be authorised to implement arrangements for adjusting charges, in

particular for reasons associated with environmental protection (noise charge, regulation of traffic) or spatial planning.

Amendment 16
Article 3 a (new)

Article 3a
Airport in a network

In order to ensure that access is provided to the airports in an airport network at a cost commensurate with the number of air passengers, Member States may permit the operators of airport networks to introduce a uniform and transparent system of airport charges for all the airports belonging to the network. Permission may only be granted on condition that competition between the airports in different Member States is not distorted, for example from the point of view of tourism. In the event of a dispute, the complainant may apply to the Commission on the basis of the relevant EC competition rules.

Justification

Airports which are not far apart and are located in areas of particular importance for tourism are in competition with one another, and changes to airport charges and the influence of the Directive may significantly affect their traffic and the competition derived from it.

Amendment 17
Article 4, Paragraph 1

1. Member States shall ensure that at each airport a compulsory and regular procedure for consultation between the airport management body and airport users or representatives of airport users is established with respect to the operation of the system of airport charges and the level of such charges. ***Such consultation shall take place at least once a year.***

1. Member States shall ensure that at each airport ***to which this Directive applies*** a compulsory procedure for consultation between the airport management body and airport users or representatives of airport users is established with respect to the operation of the system of airport charges and the level of such charges, ***including the level of service quality to be provided by the airport managing body in return for the airport charge. Member States shall ensure that such consultation takes***

place in advance of airport managing bodies or airport users wishing to introduce or to make significant changes to the structure or level of airport charges. Where there is a multi-annual agreement between the airport managing body and the airport users or representatives of airport users, consultation shall take place in accordance with the provisions of that agreement.

Justification

Consultation is only necessary if changes are to be made.

Amendment 18
Article 4, paragraph 2

2. Member States shall ensure that, wherever possible, changes to the airport charges system or to the level of charges are made in agreement between the airport managing body and the airport users. To that end, the airport managing body shall submit any proposal to modify the airport charges system or the level of airport charges to the airport users no later than 4 months before they enter into force, together with the reasons for the proposed changes. At the request of any airport user, the airport managing body shall hold consultations on the proposed changes with the airport users and take their views into account before the final decision is taken. The airport managing body shall publish its final decision ***no later than 2 months before it enters*** into force. The airport managing body shall justify its decision with regard to the views of the airport users in the event no agreement on the proposed changes is reached between the airport managing body and the airport users.

2. Member States shall ensure that, wherever possible, changes to the airport charges system or to the level of charges are made in agreement between the airport managing body and the airport users. To that end, the airport managing body shall submit any proposal to modify the airport charges system or the level of airport charges to the airport users no later than **6** months before they enter into force, together with the reasons for the proposed changes. At the request of any airport user, the airport managing body shall hold consultations on the proposed changes with the airport users and take their views into account before the final decision is taken. The airport managing body shall publish its final decision ***within a reasonable time prior to it entering*** into force. The airport managing body shall justify its decision with regard to the views of the airport users in the event no agreement on the proposed changes is reached between the airport managing body and the airport users.

Justification

Adherence to the ICAO principle (Doc 9082/7): “within a reasonable time in advance

Amendment 19
Article 4, paragraph 3

3. Member States shall ensure that in the event of a disagreement over a decision on airport charges, ***either party may*** seek the intervention of the independent regulatory authority which shall examine the justifications for the modification of the airport charges system or the level of airport charges..

3. Member States shall ensure that in the event of a ***definitive*** disagreement over a decision on airport charges, ***the airport managing body or the airport users, as long as they represent at least two unrelated airlines or at least 10% of the annual aircraft movements or the annual passenger numbers at the relevant airport,*** may seek the intervention of the independent regulatory authority which shall examine the justifications for the modification of the airport charges system or the level of airport charges.
The independent regulatory authority nominated or established under article 10 shall:

(i) establish a procedure for resolving disagreements between the airport managing body and the airport users or their representatives on changes to the level or structure of airport charges, including changes relating to quality of service.

(ii) determine the conditions under which a disagreement can be brought to it for resolution.

(iii) determine the criteria against which disagreements will be assessed.

These conditions and criteria shall be non-discriminatory, transparent and in line with the principles of competition law and this directive.

The examination of a modification to the airport charges system or the level of airport charges shall not have a suspensory effect.

Justification

Takes up amendment 5 by the rapporteur and his justification, merely adding that any disagreement about a decision on airport charges giving rise to intervention by the

independent regulatory authority should be definitive, i.e. after exhaustion of all means of conciliation between the parties envisaged in the applicable legislation.

Amendment 20
Article 4, paragraph 3 a (new)

3a. The airport user shall provide prima facie evidence that the airport in question has taken measures that infringe EC competition law.

Justification

Allowing an unrestricted right for airports and airlines to call on the independent regulatory authority in the event of a disagreement would encourage adversarial behaviour and reduce the incentives of the parties to negotiate normal commercial agreements.

Clarification is needed that application of charges will not be delayed or suspended pending the outcome of a dispute resolution. There should be prima facie evidence that prices have substantially exceeded relevant costs or that profits have substantially exceeded competitive levels.

Amendment 21
Article 4, paragraph 3 b (new)

3b. This shall be without prejudice to any existing dispute resolution or statutory appeal process.

Justification

Allowing an unrestricted right for airports and airlines to call on the independent regulatory authority in the event of a disagreement would encourage adversarial behaviour and reduce the incentives of the parties to negotiate normal commercial agreements.

Clarification is needed that application of charges will not be delayed or suspended pending the outcome of a dispute resolution. There should be prima facie evidence that prices have substantially exceeded relevant costs or that profits have substantially exceeded competitive levels.

Amendment 22
Article 5, paragraph 1, point (b)

(b) the ***method of calculation of charges***;

(b) the ***methodology used to establish charges, stating whether a single or a dual till system or a combined system has been***

used;

Justification

It is too simplistic to assume that charges are calculated using pre-determined methods of calculation. Airports should have the ability to make adjustments reflecting market pressure and competition.

The business model chosen by the airport's managing body has a direct effect on the method used to calculate charges. Therefore this should be clearly stated, in the interest of transparency.

Amendment 23

Article 5, paragraph 1, point (c)

(c) the overall cost structure of the airport;

**(c) the overall cost structure of the airport
related to the facilities and services which
the airport charges are intended to cover,
to the extent that it is relevant for
calculating airport charges and must be
included in the annual business reports;**

Justification

The cost structure should be more precisely referring to the cost related to the facilities and services which are related to landing, take-off, lighting and parking of aircraft and processing of passengers and freight.

The overall cost structure of the airport is stated in the annual business reports. However, the cost structure needs to be specified if, depending on the business model used, it affects the calculation of airport charges.

Amendment 24

Article 5, paragraph 1, point (d a) (new)

**(da) airport revenue from state aid,
subsidies and other monetary support in
relation to the revenue from charges;**

Justification

Coherent transparency should show revenue from state aid and other forms of subsidies or official support.

Amendment 25

Article 5, paragraph 1, point (d b) (new)

(db) State and regional aid granted to the airport and the amount of resources derived from central financing in connection with public service obligations;

Justification

At least once a year, the airport managing body must provide airport users with information on the components serving as a basis for determining the level of all charges levied at the airport. In the interests of transparency, this information must include the amount of State and regional aid granted to airports and the amount of resources derived from central financing connected with public service obligations.

Amendment 26

Article 5, paragraph 1, point (f)

(f) forecasts of the situation at the airport as regards ***the charges***, traffic growth and any proposed investments;

(f) forecasts of the situation at the airport as regards traffic growth and any ***major*** proposed investment;

Justification

Declaring future charges would amount to 'price signalling' and could be anti-competitive in that they might encourage cartel-like behaviour. The level of charges is defined after consultation between the parties and forecasts are not available. Airports operating under a regulatory environment cannot forecast the level of charges.

Amendment 27

Article 5, paragraph 1, point (h)

(h) the ***productivity of the*** investments in terms of their effects on ***the*** airport capacity and ***the quality of services provided***;

(h) the ***predicted output of any major proposed*** investments in terms of their effects on airport capacity and ***service quality***;

Justification

The term productivity can be interpreted in many different ways.

Amendment 28

Article 5, paragraph 2

2. Member States shall ensure that airport users submit information to the management body ***on a regular basis***, concerning in particular:

2. Member States shall ensure that airport users submit information to the management body, ***prior to any expected changes in the level of airport charges or the airport***

charges system or prior to the introduction of new charges, concerning in particular:

Justification

Information only needs to be submitted if changes are to be made or if new charges are to be introduced.

Replaces Amendment 10 in the draft report.

Amendment 29
Article 5, paragraph 3

3. The information provided on the basis of this article shall be considered as confidential and handled accordingly.

3. The information provided on the basis of ***paragraphs 1 and 2*** shall be considered as confidential and handled accordingly. ***It shall be subject to national legislation on the confidentiality of data. In the case of airports that are quoted on the stock exchange, stock exchange regulations in particular must be complied with.***

Justification

This amendment is intended to ensure consistency with the new paragraph 3a, which introduces a requirement concerning transparency between airport users and air transport customers.

The confidentiality of data must be guaranteed by national legislation. The particular stock exchange regulations applicable to airports quoted on the stock exchange must also be complied with.

Replaces Amendment 11 in the draft report.

Amendment 30
Article 5, paragraph 3 a (new)

3a. Within a framework of appropriate rules on confidentiality, the independent regulatory authority shall have access to all the information that it requires in connection with its activities.

Justification

It is important for the rules on transparency also to apply to the regulatory authority's access to information.

Amendment 31
Article 6

Member States shall ensure that the airport managing body consults with airport users before plans for new infrastructure projects are finalised.

Member States shall ensure that the airport managing body consults with airport users before plans for new infrastructure projects are finalised. ***Within a maximum of five years before the investment becomes operational, the airport managing body may assert its interests by way of pre-financing when airport charges are set.***

Justification

Pre-financing is vital to new infrastructure development. In order to obtain it, sudden substantial increases in charges are unavoidable. However, in order to protect the interests of airlines, pre-financing may only begin after the airport managing body has informed airport users of the finalisation of the new infrastructure investment plans, and not more than 5 years before the investment becomes operational.

Amendment 32
Article 6 a (new)

The airport managing body may pre-finance new infrastructure projects by increasing airport charges accordingly, on condition that

a) airport users are provided with transparent information on the extent and duration of airport charge increases;

b) all additional revenue is used solely for the construction of the agreed infrastructure;

c) all official authorisations have been obtained.

Justification

Since conflicts of interest may arise, we need to avoid a situation in which airport users have a veto rendering pre-financing impossible; accordingly, they merely need to be informed, albeit in a transparent manner.

Amendment 33

Article 7, paragraph 1

1. In order to ensure smooth and efficient operations at an airport, Member States shall ensure that the airport managing body and the association or associations representing airport users at the airport enter into negotiations with a view to concluding **a service level agreement** with regard to the quality of service provided at the airport terminal or terminals, and the exactitude and timeliness of information provided by airport users on their projected operations referred to in Article 5(2), to allow the airport to fulfil its obligations. Such agreement shall be concluded at least once every two years and be notified to the independent regulatory authority of each Member State.

1. In order to ensure smooth and efficient operations at an airport, Member States shall ensure that the airport managing body and the association or associations representing airport users at the airport enter into negotiations with a view to concluding **agreements on each service level, in accordance with the provisions on differentiation of charges provided for in Article 8**, with regard to the quality of service provided at the airport terminal or terminals, and the exactitude and timeliness of information provided by airport users on their projected operations referred to in Article 5(2), to allow the airport to fulfil its obligations. Such agreement shall be concluded at least once every two years and be notified to the independent regulatory authority of each Member State.

Justification

Because charges may be differentiated (see Article 8 of the draft directive), separate agreements should be concluded for each service level.

Amendment 34
Article 8, title

Differentiation of charges

Differences in charges

Justification

Measures must be taken to ensure that airports do not discriminate among individual airlines, granting preferential treatment and concluding with airlines individual agreements and business contracts which provide for exceptions, and to ensure that airlines cannot obtain larger volumes of services, thus securing for themselves advantages and commercial concessions in a way which is not open and transparent, which excludes others and is not open to others, and by concluding individual, non-public contracts.

Amendment 35
Article 8, paragraph 1

1. Member States shall take the necessary measures to allow the airport managing body

1. Member States shall take the necessary measures to allow the airport managing body

to vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim *to provide* tailored services or a dedicated terminal or part of a terminal. The level of airport charges may be differentiated according to the quality and scope of such services.

to vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim *of providing* tailored services or a dedicated terminal or part of a terminal. The level of airport charges may be differentiated according to the quality and scope of such services, ***but may also be differentiated according to environmental performance, noise pollution or other public interests on the condition that it is determined on the basis of relevant, objective and transparent criteria.***

Member States shall also ensure that airports levy the same charge for the same service. The airport managing body may grant airport user concessions on charges based on the quality of a service used, provided that the concession in question is available to all users of the airport under publicised, transparent and objective conditions. It may grant a concession to users which open new routes, provided that the concession is similarly granted in a public and non-discriminatory manner and is made available to all airport users in the same way, in accordance with EC competition law.

Justification

Airports should also be able to differentiate the airport charges on factors such as environmental performance, noise pollution or other public interests to make optimal use of the available capacity.

Measures must be taken to ensure that airports do not discriminate among individual airlines, granting them preferential treatment and concluding with airlines individual agreements and business contracts which provide for exceptions, and to ensure that airlines cannot obtain larger volumes of services, thus securing for themselves advantages and commercial concessions in a way which is not open and transparent, which excludes others and is not open to others, and by concluding individual, non-public contracts.

Amendment 36 Article 8, paragraph 2

2. Member States shall ***ensure that any airport user wishing to use the tailored services or dedicated terminal or part of a terminal, shall have access to these services***

2. Member States shall ***take the necessary measures to allow the airport managing body to vary the quality and scope of particular airport services, terminals or***

and terminal or part of terminal.

In the case that more users wish to have access to the tailored services and/or a dedicated terminal or part of terminal than it is possible due to capacity constraints, access shall be determined on the basis of relevant, objective, transparent and non-discriminatory criteria.

parts of terminals, with the aim of providing tailored services or a dedicated terminal or part of a terminal. The level of airport charges may be differentiated according to the quality and scope of such services.

Justification

Measures must be taken to ensure that airports do not discriminate among individual airlines, granting them preferential treatment and concluding with airlines individual agreements and business contracts which provide for exceptions, and to ensure that airlines cannot obtain larger volumes of services, thus securing for themselves advantages and commercial concessions in a way which is not open and transparent, which excludes others and is not open to others, and by concluding individual, non-public contracts.

Amendment 37 *Article 9, paragraph 1*

Security charges shall be used exclusively to meet security costs. These costs shall be determined using the principles of accounting and evaluation generally accepted in each of the Member States. However, Member States shall ensure that particular account is taken of:

Security charges shall be used exclusively to meet security costs ***and shall not exceed those costs. No profit may be made on security charges.*** These costs shall be determined using the principles of ***economic and operational efficiency and of*** accounting and evaluation generally accepted in each of the Member States. ***The Member States shall ensure that the costs are distributed fairly among the various user groups at each airport.*** However, Member States shall ensure that particular account is taken of:

Justification

Strictly speaking each Member State has an obligation to bear at least a proportion of the costs of airport security measures, since they benefit not only passengers and airlines but also the general public. Apart from this, given that airlines and passengers as consumers have to pay all or part of the costs, they should not be subjected to further charges to enable a profit to be made on the implementation of security measures. Furthermore, this provision should cover not only the airlines and passengers but also the other beneficiaries of airport security measures.

Amendment 38
Article 9, indent 2

– the expenditure on security staff and security operations;

– the expenditure on security staff and security operations ***excluding the cost of short-term heightened security measures; such measures, imposed under national legislation on special risk assessments and resulting in extra expenditure shall not be subject to the provisions of this measure***

Amendment 39
Article 9, indent 3

- the grants and subsidies allocated by the authorities for security purposes.

- the grants and subsidies allocated by the authorities for security purposes, ***which have to be properly emphasised.***

Justification

In order to avoid double financing. See justification recital 10.

Amendment 40
Article 9, paragraph 1 a (new)

The proceeds from security charges levied at a particular airport may be used only to cover airport security expenditure incurred in the place in which the charges were levied. In the case of airport networks the proceeds from security charges may be used only to cover security expenditure arising at airports belonging to the network.

Justification

It is necessary to prevent security charges which have been levied in one Member State from being channelled to an airport in another Member State, for example where the owner is the same.

Amendment 41
Article 9 a (new)

Article 9a

The costs of implementing security measures which are more stringent than the minimum security measures laid down in Regulation (EC) No 2320/2002 shall be borne by the Member States.

Justification

Member States may adopt security measures more stringent than required by Regulation 2320/2002, but if they do so, they must bear the cost involved, in order to avoid distorting competition.

Amendment 42
Article 10, paragraph 1

Member States shall nominate or establish an independent body as their national independent regulatory authority in order to ensure the correct application of the measures taken to comply with this Directive and to ***assume*** the tasks assigned under Articles 4 and 7. Such body may be the same as the entity entrusted by a Member State with the application of the additional regulatory measures referred to in Article 1(2), including with the approval of the charging system and/or the level of charges, provided that it meets the requirements of paragraph 2.

Member States shall nominate or establish an independent body as their national independent regulatory authority in order to ensure the correct application of the measures taken to comply with this Directive and to ***ensure that*** the tasks assigned under Articles 4 and 7 ***are carried out***. Such body may be the same as the entity entrusted by a Member State with the application of the additional regulatory measures referred to in Article 1(2), including with the approval of the charging system and/or the level of charges, provided that it meets the requirements of paragraph 2.

Justification

The Member States are responsible for organising the independent regulatory authority, and must also ensure that the tasks stated at Articles 4 and 7 and the measures to implement this directive are carried out.

Amendment 43
Article 10, paragraph 1 a (new)

1a. The national independent regulatory authority may delegate, under its supervision, the implementation of the provisions, or parts of the provisions, of this directive to regional independent regulatory authorities, provided that the implementation takes place in accordance

with the same standards. The national independent regulatory authority shall continue to bear responsibility for ensuring the correct application of the provisions of this Directive. The provisions of Article 10(2) of this directive shall also apply to regional independent regulatory authorities.

Justification

This amendment seeks to reflect the fact that the application of Article 10 in the Commission's version will lead to problems in some Member States.

Replaces Amendment 17 in the draft report.

Amendment 44 Article 10, paragraph 4

4. Whenever an airport managing body or an airport user has a complaint with regard to a matter within the scope of this directive, it may refer the complaint to the independent regulatory authority which, acting as dispute settlement authority, shall issue a decision within two months after receipt of the complaint. The independent regulatory authority shall have the right to request the necessary information from the parties for the decision. The decisions of the regulatory authority *should* have binding effect.

4. When carrying out an investigation into the justification for modifying the structure, level or airport charge, as provided for in Article 4, the independent regulatory authority shall be able to request necessary information from the parties concerned and shall be required to consult the parties concerned and any other affected parties in order to reach its decision. It shall reach its decision as soon as practical within three months of the receipt of a complaint and shall be required to publish the decision and the reasons behind it. The decisions of the regulatory authority *shall* have binding effect.

Justification

Two months is not sufficient time for the IRA to conduct a full investigation into the justification of the level of structure charges.

Amendment 45 Article 11, paragraph 1

1. The Commission shall submit a report to the European Parliament and the Council on the operation of this Directive no later than 4

1. The Commission shall submit a report to the European Parliament and the Council on the operation of this Directive, **assessing**

years after its entry into force as well as, when appropriate, any suitable proposal.

progress made in attaining the objectives of this Directive, no later than 4 years after its entry into force as well as, when appropriate, any suitable proposal.

Justification

An independent evaluation of the operation of the directive should be linked to the progresses made in relation to the set objectives.

EXPLANATORY STATEMENT

This Commission proposal for a directive on airport charges aims to prevent any abuse of a dominant position in the market by individual airports, thus contributing to the balanced development of the European air transport sector. All airports and airlines subject to the provisions of this directive will be bound by common rules on provision of mutual information, transparency, and the way airport charges are calculated. It is planned to introduce national independent regulatory authorities to ensure that the directive is applied in full.

European-level rules are needed as not all EU Member States have a functioning, non-discriminatory and comprehensible procedure for calculating charges. Thus the proposed measure should prevent distortions of competition both between airports and between individual airlines subject to different pricing levels at individual airports. Institutionalising an effective mechanism for consultation and determining charges will also help to reinforce partnerships in air transport systems.

Your rapporteur's views on the amendments

The proposed field of application (airports with over one million passengers or more than 25 000 tonnes of air freight per year) means that about 150 Community airports would be covered by the rules in the directive. Although in principle it makes sense to include as many airports as possible in a European set of rules, there are considerable doubts as to whether the proposed field of application is right. The British in particular have expressed considerable misgivings, which can be largely ascribed to the counter-trend towards deregulation in this sector that can be observed in Great Britain. Even without taking that into account, the directive's field of application should be reconsidered: there is no particular risk of abuse of a dominant position in the market at regional airports. On the contrary, airlines here often have a position that gives them an advantage in negotiations on airport charges. In line with the classification scheme in the '*Community guidelines on financing of airports and start-up aid to airlines departing from regional airports*' of September 2005, your rapporteur proposes raising the field of application to 5 million passengers per year, so that it would apply to airports of Category B ('national airports', with an annual passenger volume of between 5 and 10 million) and Category A ('large Community airports', with more than 10 million passengers a year) (*Amendment 1*).

In some Member States (Spain, Portugal, Greece, Sweden and Finland), airports are operated in a system of airport groups. In these Member States, there are rules which may be incompatible with the provisions of this directive. To avoid future uncertainties and possible legal disputes, it should be expressly pointed out that these structural particularities may continue even when the provisions of this directive are applied (*Amendments 3 and 15*).

The Commission proposal provides for a national independent regulatory authority to be set up in each EU Member State and given the task of implementing the provisions. In Germany in particular, the requirement to set up a single, central regulatory authority will lead to considerable problems because of Germany's federal structure. In view of this, consideration should be given to whether it is actually necessary to lay down a particular institutional

structure. Instead, effective implementation of the directive's principles, regardless of the institutional structure, should be the main consideration (*Amendments 16 and 17*).

Some amendments are also proposed in connection with the requirement for consultation, as the obligation to provide information which the Commission proposes to impose on airports (and partly also on airlines) exceeds what is required for this directive (*Amendments 4, 7, 8, 9, 10, 11 and 13*).

In its explanatory memorandum, the Commission remarks that public and privately-owned airports generally have an interest in maximising profits. In some circumstances this can lead to inappropriately high charges and thus to distortions of the air transport system. This criticism is certainly true in some individual cases. However, your rapporteur takes the view that airports, like all economic undertakings, should not be prevented from achieving an appropriate return on investment through airport charges. At the same time, airport operators should provide airport users with sufficient information on the business model on which charges are based (*Amendments 2 and 6*).

The right of airport users to appeal to the independent regulatory authority in the event of disagreement with a decision on airport charges carries with it the danger that some airlines will impede progress in modifications to the airport charging system. Your rapporteur therefore proposes a higher threshold for the exercise of the right of appeal. Furthermore, care should be taken to ensure that any disputes do not block the decision-making process (*Amendment 5*).

The development of new airport infrastructures is increasingly becoming a major challenge to the European air transport system. Your rapporteur therefore proposes the introduction of a new article to make it possible to include the costs of approved infrastructure projects in the calculation of charges. This would make it easier for airports to carry out new projects and prevent sudden, excessive jumps in the level of charges. As the construction of new infrastructures is usually a long-term project and does not bring any short-term benefits for airport users, pre-funding in the context of charges should only operate with the agreement of airlines and after they have been informed of its duration and scope. Thus account should be taken of the principles formulated by the ICAO for pre-funding of infrastructure projects (see subparagraph '*Pre-funding of projects*' in the '*ICAO's policies on charges for airports and air navigation services, Doc. 9082/7*' (*Amendment 12*)).

27.6.2007

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council on airport charges
(COM(2006)0820 – C6-0056/2007 – 2007/0013(COD))

Draftsman: Eoin Ryan

SHORT JUSTIFICATION

The primary objective in relation to the regulation of airport charges should be to ensure that commercially driven airports with significant market power do not abuse their dominant position by charging excessively for facilities and services while at the same time ensuring that economically efficient investment in the development of such airports can be remunerated.

Mechanisms for the independent regulation of airport charges have already been put in place in a number of Member States. The model of economic “incentive” regulation which has been adopted in a number of Member States generally involves an independent regulator reviewing utilities’ charges at set intervals against specified criteria and setting charges on the basis of an efficient cost structure for the utility and allowing a reasonable return on economically efficient investment. This system of regulation normally allows for consultation with airline users and more general consultation as part of the process. It is also normal practice for charges to be set for a period of years so as to promote regulatory certainty and facilitate the financing of economically efficient investment on the most attractive terms possible.

It is not all clear that the proposal put forward by the Commission is consistent with that model. While the stated objective of this Directive is to establish a set of common principles and leave discretion with Member States on how they give effect to these principles, the Directive is in fact quite prescriptive in its approach.

One area of concern is the proposed application of the Directive to all airports with a passenger throughput of 1 million or more. The real issue is whether an airport can exercise **significant market power** in setting charges. In reality many airports with throughput well over 1 million passengers are not in a position to exercise such power, particularly airports reliant on public funding to support their operations.

The provisions for compulsory annual consultation on charges allied to the exchange of detailed information together with the fact that this consultation is confined to existing airline users only – as indicated above under existing systems of incentive regulation, charges are generally set for a period of time unless there are substantive grounds for revising the charges. While the intention behind this provision in the Directive is not entirely clear if it were to mean that charges would be open to review on an annual basis this could well give rise to a very short term perspective and practical difficulties in managing airport businesses. The focus should be on the principles of consultation and transparency with detailed mechanisms left to Member States.

The fact that any matter within the scope of the Directive can be referred to a dispute resolution authority and that the decisions of the authority will be binding, particularly given that the criteria to be applied in arbitrating on such disputes are not stated nor is it made clear that a Member State could exercise its discretion in establishing such criteria – in the case, for example, where a dispute arises from a conflict between airline users' short term perspective and the longer term development needs of an airport what criteria will apply in deciding the dispute? Under the incentive regulation model, independent regulators are normally required to strike a balance between the needs of existing users and the future development of an airport in the interests of economic efficiency. While fully accepting the importance of transparency and cost efficiency in the setting of charges it is important to acknowledge that the interests of existing airline users are not necessarily synonymous with investing in airport capacity that might have the effect of facilitating competitor airlines to improve their market share at the airport or to enable market entry by rival airlines in the future.

The inclusion of provisions relating to the differentiation of charges – as the objective is to set out common principles and not to prescribe particular charging regimes, the issue of whether to facilitate the offering of differential pricing is a matter best left to Member States under the subsidiarity principle.

It is important that any measure should not try to impose a rigid framework that runs counter to focusing on incentive regulation of airports that have **significant market power** or which creates an unstable environment for airport investment in the future. The inflexible adherence to the dispute settlement model for regulation of charges, together with the absence of any explicit mandate for the regulator to undertake incentive regulation of airport operators with significant market power, suggest that the draft directive may have the unintended effect of cutting across models of incentive regulation currently in place. Also the criteria to be applied by an independent regulatory body in either setting charges or in resolving disputes in relation to charges is therefore key and the draft Directive is silent on this. At minimum it ought to be clearly provided that Member States can establish independent regulatory bodies to set airport charges in line with specified criteria in a transparent and objective way as an alternative to the dispute resolution option.

AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1
Recital 1

(1) The main task and commercial activity of airports is to ensure the handling of aircraft, from landing to take-off, and of passengers and cargo, so as to enable air carriers to provide their air transport services. For this purpose, airports offer a number of facilities and services related to the operation of aircraft and the processing of passengers and cargo, the cost of which they generally recover through airport charges.

(1) The main task and commercial activity of airports is to ensure the handling of aircraft, from landing to take-off, and of passengers and cargo, so as to enable air carriers to provide their air transport services. For this purpose, airports offer a number of facilities and services related to the operation of aircraft and the processing of passengers and cargo, the cost of which they generally recover through airport charges. ***It should be noted that airports with smaller numbers of passengers have fewer opportunities to recover costs through such charges.***

Amendment 2
Recital 13 a (new)

(13a) A degree of competition among airports exists but obstacles to competition remain.

Amendment 3
Article 1, paragraph 2, subparagraph 1

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty and open to commercial traffic whose annual traffic ***is over 1 million passenger movements or 25 000 tonnes of cargo.***

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty and open to commercial traffic whose annual traffic ***represents more than 1 % of total intra-Community passenger movements.***

Justification

The 1 million threshold is neither justified by any objective criteria, nor is it compatible with any of the existing categorisations of airports. It would introduce heavy regulatory burden on the competent authorities and introduce high costs for regional airports. The Directive should target airports with a significant market power. Any numerical threshold risks unnecessarily regulating many airports that do not require regulation, while excluding some

¹ Not yet published in OJ.

that may require regulation.. Therefore a general threshold based on EU criteria in terms of traffic volume should be applied.

Amendment 4
Article 1, paragraph 2 a (new)

2a. Without prejudice to paragraph 2, Member States may:
(i) apply this Directive to all airports located in a territory that is subject to the provisions of the Treaty and open to commercial traffic whose annual traffic represents more than 20 % of total passenger movements in the Member State concerned; or
(ii) decide to include or exclude from the application of this Directive, on the basis of a market test conducted by the competent national authorities of the Member State concerned, any airport located in its territory that is subject to the provisions of the Treaty and open to commercial traffic. Such a market test shall be carried out after full consultation with the airport managing body and users of the airport concerned.

Justification

The general threshold based on EU criteria in terms of traffic volume should be flanked by an adjustment mechanism allowing Member States to ensure that at least 1 airport per country is regulated, followed by an option of opting in or opting out based on a market test that ascertains for example that there is a need for deregulation at a certain airport given that there is a clear absence of abuse of market power.

Amendment 5
Article 1, paragraph 2 b (new)

2b. Member States shall publish the list of airports to which this Directive applies without disclosing confidential business information.

Justification

To increase transparency between airports and airports users without disclosing confidential business information.

Amendment 6
Article 4, paragraph 1

1. Member States shall ensure that at each airport a compulsory and regular procedure for consultation between the airport management body and airport users or representatives of airport users is established with respect to the operation of the system of airport charges and the level of such charges. Such consultation shall take place ***at least once a year***.

1. Member States shall ensure that at each airport a compulsory and regular procedure for consultation between the airport management body and airport users or representatives of airport users is established with respect to the operation of the system of airport charges and the level of such charges. Such consultation shall take place ***whenever a revision of charges or the imposition of new charges is contemplated, and in any event every 24 months***.

Justification

While providing for greater flexibility and less administrative burden especially for smaller airports, this amendment recognises the fact that there should be mandatory routine consultation even if there are no changes in conditions.

Amendment 7
Article 4, paragraph 2

Member States shall ensure that, wherever possible, changes to the airport charges system or to the level of charges are made in agreement between the airport managing body and the airport users. To that end, the airport managing body shall submit any proposal to modify the airport charges system or the level of airport charges to the airport users no later than 4 months before they enter into force, together with the reasons for the proposed changes. At the request of any airport user, the airport managing body shall hold consultations on the proposed changes with the airport users and take their views into account before the final decision is taken. The airport managing body shall publish its final decision no later than ***2 months*** before it enters into force. The airport managing body shall justify its decision with regard to the views of the airport users in the event no agreement on the proposed changes is reached between the

Member States shall ensure that, wherever possible, changes to the airport charges system or to the level of charges are made in agreement between the airport managing body and the airport users. To that end, the airport managing body shall submit any proposal to modify the airport charges system or the level of airport charges to the airport users no later than 4 months before they enter into force, together with the reasons for the proposed changes. At the request of any airport user, the airport managing body shall hold consultations on the proposed changes with the airport users and take their views into account before the final decision is taken. The airport managing body shall publish its final decision no later than ***4 months*** before it enters into force. The airport managing body shall justify its decision with regard to the views of the airport users in the event *that* no agreement on the proposed changes is reached between

airport managing body and the airport users.

the airport managing body and the airport users.

Justification

The announcement of increases in airport charges just 2 months prior to entry into force could have a negative impact on the increasing number of customers book early for their holiday travels. This additional cost would have to be paid by either the travel agent or the customer through a surcharge after that he/she would have already paid for the package. Furthermore, In some countries tour operators cannot increase prices to take account of variations in airport charges, when the contract has been concluded less than 4 months prior to departure. Thus, it would be better for any decision to be announced at least 4 months prior to entry into force.

Amendment 8

Article 5, paragraph 1, point (b)

(b) the **method of calculation of** charges;

(b) the **methodology used to establish** charges;

Justification

Charges are not calculated using pre-determined methods of calculation. Therefore airports should have the ability to make adjustments rendered necessary by market pressure and competition.

Amendment 9

Article 5, paragraph 1, point (c)

(c) the overall cost structure of the airport;

(c) the overall cost structure of the airport **related to the facilities and services which the airport charges are intended to cover;**

Justification

The cost structure should be more precisely referring to the cost related to the facilities and services which are related to landing, take-off, lighting and parking of aircraft and processing of passengers and freight.

Amendment 10

Article 5, paragraph 1, point (d)

(d) the revenue **and cost** of each category of charges collected at the airport;

(d) the revenue of each category of charges collected at the airport;

Justification

There is no single way of adjusting charges because charges are adjusted in different ways by airports to remain competitive. Charges are not cost-related. At an individual charge level airports allocate many shared costs and develop different activity-based costing models; the single-till approach is inconsistent with the concept of cost-relatedness; and providing cost per each category of charge would be costly particularly for smaller airports.

Amendment 11

Article 5, paragraph 1, point (f)

(f) forecasts of the situation at the airport as regards ***the charges***, traffic growth and any proposed investments;

(f) forecasts of the situation at the airport as regards traffic growth and any ***major*** proposed investments;

Justification

Declaring future charges would amount to "price signalling" and could be anti-competitive in that they might encourage cartel-like behaviour. The level of charges is defined after consultation between the parties and forecasts are not available. Airports operating under a regulatory environment cannot forecast the level of charges.

Amendment 12

Article 5, paragraph 1, point (h)

(h) ***the productivity of the*** investments in terms of their effects on the airport capacity and the quality of services provided.

(h) ***the predicted output of any major proposed*** investments in terms of their effects on the airport capacity and the quality of services provided.

Justification

There is no clear definition of what constitutes productivity and therefore the term could be interpreted in many different ways.

Amendment 13

Article 5, paragraph 2, introductory part

2. Member States shall ensure that airport users submit information to the management body ***on a regular basis***, concerning in particular:

2. Member States shall ensure that, ***without disclosing confidential business information***, airport users submit information to the management body concerning in particular:

Justification

Adherence to the ICAO principle (Doc. 9082/7. There is no added value to annual consultation on charges and other data. To eliminate unnecessary bureaucracy between airports and customers, detailed consultation should be required only when there is an intention to alter airport charges. Annual consultation should imply a constant rolling process which would be administratively inefficient. Brings article into line with provisions of Art. 4, para 1.

Amendment 14

Article 6, paragraphs 1 and 1 a (new)

Member States shall ensure that the airport managing body consults with airport users before plans for new infrastructure projects are finalised.

1. Member States shall ensure that the airport managing body consults with airport users before plans for new infrastructure projects are finalised.

1a. If the number of users of the airport that fall within the scope of this Directive, is below half of the average number of airport users, the pre-financing shall be automatically applied. It can be started minimum three years earlier than the beginning of the utilization and it should be preceded by appropriate consensus with airport users and the necessary administrative permits;

Amendment 15

Article 7, paragraph 1

1. In order to ensure smooth and efficient operations at an airport, Member States shall ensure that the airport managing body and the association or associations representing airport users at the airport enter into ***negotiations*** with a view to concluding a service level agreement ***with regard to*** the quality of service provided at the airport terminal or terminals, ***and the exactitude and timeliness of information provided by airport users on their projected operations referred to in Article 5(2), to allow the airport to fulfil its obligations. Such agreement shall be concluded at least once every two years and be notified to the independent regulatory authority of each Member State.***

1. In order to ensure smooth and efficient operations at an airport, Member States shall ensure that the airport managing body and the association or associations representing airport users at the airport enter into ***consultation, at least once every two years,*** with a view to ***defining and*** concluding ***an overall*** service level agreement ***which sets out*** the ***minimum*** quality ***standards*** of service ***to be*** provided ***to the passenger*** at the airport terminal or terminals ***by all parties concerned.***

Justification

Service standards should be set by all the service providers at the airport. However, in order to preserve individual commercial freedom of any supplementary agreement, the service agreement should set only minimum quality standards. Secondly the role of the independent regulatory authority should be confined to the application of the appeal process to the primary focus of the Directive - airport charges.

Amendment 16 Article 8, paragraph 1

1. Member States shall take the necessary measures to allow the airport managing body to vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim to provide tailored services or a dedicated terminal or part of a terminal. The level of airport charges may be differentiated according to the quality and scope of such services.

1. Member States shall take the necessary measures to allow the airport managing body to vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim *of providing* tailored services or a dedicated terminal or part of a terminal. The level of airport charges may be differentiated according to the quality and scope of such services. ***When using the same routes, different airport users shall not be subject to different charges for the same services. The level of charges shall not be linked to the volume of utilisation of the airport by the airport user concerned.***

Amendment 17 Article 8, paragraph 1 a (new)

1a. Any differentiation of airport charges shall be based on relevant, objective, transparent and non-discriminatory criteria.

Justification

This addition would allow for any type of charge differentiation, as long as it is relevant, objective, transparent and non-discriminatory, e.g incentive discount scheme to attract new routes.

Amendment 18 Article 10, paragraph 1 a (new)

1a. Appeals against decisions of the independent regulatory authority shall be allowed. The appeals procedure shall be

swift and cost effective and the Commission's interpretation of this Directive shall be binding upon all independent regulatory authorities.

Amendment 19
Article 10, paragraph 1 b (new)

1b. Member States shall provide for sanctions for the infringement of the rules laid down in this Directive in order to ensure their correct application and enforcement. Those sanctions shall be effective, proportionate and dissuasive.

Justification

Sanctions are necessary to ensure the correct application and enforcement of the Directive's provisions.

Amendment 20
Article 10, paragraph 4

4. Whenever an airport managing body or an airport user has a complaint with regard to ***any matter within the scope*** of this Directive, it may refer the complaint to the independent regulatory authority which, acting as dispute settlement authority, shall issue a decision within two months after receipt of the complaint. The independent regulatory authority shall have the right to request the necessary information from the parties for the decision. The decisions of the regulatory authority shall have binding effect.

4. Whenever an airport managing body or an airport user has a complaint with regard to ***Articles 1, 4, and 5*** of this Directive, it may refer the complaint to the independent regulatory authority which, acting as dispute settlement authority, shall issue a decision within two months after receipt of the complaint ***or as specified in national legislation***. The independent regulatory authority shall have the right to request the necessary information from the parties for the decision. The decisions of the regulatory authority shall have binding effect ***and shall be without prejudice to any existing dispute resolution or statutory appeal process.***

Justification

The rights to appeal with regard to any matter of the Directive leads to the perverse risk of exposing airports to systematic challenges by airlines. Also to avoid 27 different procedures throughout the EU the amendment aims to include more detail on timeframe, stages and form of the appeal mechanism. The independent regulatory authority should have two roles firstly, to select the airports of their own country falling within the scope of the Directive and secondly in the case of an airline or airport challenge when a revision of charges or the imposition of new charges is contemplated.

PROCEDURE

Title	Airport charges
References	COM(2006)0820 - C6-0056/2007 - 2007/0013(COD)
Committee responsible	TRAN
Opinion by Date announced in plenary	ECON 13.3.2007
Drafts(wo)man Date appointed	Eoin Ryan 13.2.2007
Discussed in committee	5.6.2007 27.6.2007
Date adopted	27.6.2007
Result of final vote	+: 19 -: 2 0: 12
Members present for the final vote	Mariela Velichkova Baeva, Zsolt László Becsey, Pervenche Berès, Sharon Bowles, David Casa, Elisa Ferreira, Jean-Paul Gauzès, Donata Gottardi, Benoît Hamon, Sophia in 't Veld, Othmar Karas, Guntars Krasts, Kurt Joachim Lauk, Andrea Losco, Cristobal Montoro Romero, Joseph Muscat, Lapo Pistelli, John Purvis, Alexander Radwan, Heide Rühle, Eoin Ryan, Antolín Sánchez Presedo, Olle Schmidt, Margarita Starkevičiūtė, Ieke van den Burg
Substitute(s) present for the final vote	Katerina Batzeli, Harald Ettl, Werner Langen, Gianni Pittella, Kristian Vigenin
Substitute(s) under Rule 178(2) present for the final vote	Slavi Binev, Adam Gierek, Philip Bushill-Matthews

17.9.2007

OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council on airport charges

(COM(2006)0820 – C6-0056/2007 – 2007/0013(COD))

Draftsman: Antonio De Blasio

SHORT JUSTIFICATION

The Commission is proposing a directive on airport charges, to be seen as part of an 'airport package'¹ with the overall goal to increase the vital role of Europe's airports, in compliance with the Lisbon agenda objectives, as a key driver for ensuring the economic and social competitiveness of Europe. Until now European airports have been faced with diverse regulatory, commercial and external challenges regarding issues such as capacity, financing and the environment. The aim of these new measures is to offer a common set of rules to be applied and enforced uniformly. The proposal focuses on the role of airports in the further development and competitiveness of the European internal aviation market and will mark the future of airport regulation in Europe by ensuring regulatory convergence between Member States as well as to create an independent national authority to resolve disputing issues.

Your draftsman's objective concerning the scope of the opinion was to concentrate on the regional development aspects and the administrative dimension of the issue, the role of the regulatory authority. Many other questions, such as the transparency article, the issue of non-aviation revenues and security charges were also examined in detail but were not considered to be the responsibility of the Regional Development Committee.

Air transport within Europe provides economic value and meets social needs for the communities it serves. Your draftsman is underlining the fact that nine in ten EU citizens live outside the capital cities. Air transport connects major EU centres with the regions which facilitate the living of 90% of EU's citizens outside capital cities thus supporting the important attractiveness of EU regions which reduce the tendencies of movements away from EU's remote areas. The accessibility of all regions and the interests of air passengers are of crucial

¹ Including: a proposal for a directive on airport charges, a communication on airport capacity, efficiency and safety in Europe and a report on the implementation of the ground handling directive. (adopted 24 January 2007).

importance. Also essential to include in the Directive is the role to be played by air transport, not at least, in increasing social and economic cohesion throughout the Union since airports contribute to the creation and development of enterprises, the movements of mail and urgent freight as well as the delivery of just-in-time goods serving especially EU's regional development. Moreover, air transport generates employment at and near airports. To further support investment in European regions' high quality transport links are therefore necessary.

Airport charges are usually established and levied in accordance with a set of principles and criteria which make up the airport charging system. By varying certain charges, airports can try to increase the use of airport infrastructure and reduce the environmental impact of aviation. The Commission's wish to re-define the relationship between airport operators and airport users by requiring total transparency, user-consultation and the application of the principle of non-discrimination when calculating charges levied on users for the same service provided is welcomed by your draftsman. In order to eliminate administrative burdens, consultations between airport and airport users over airport charges should be held only in case there is a ground for discussion, such as the revision of charges or the imposition of new charges.

At the same time, it should be ensured that airports and airport users only turn to the independent regulatory authority when all dialogue possibilities have been exhausted and only if there are serious grounds that justify an appeal. Thus Member States should have the possibility to establish certain criteria when parties are entitled to seek intervention.

With regard to improving the capacity of the European airport system there is a potential to develop regional airports which can play a role in relieving congestion at Europe's major hub airports. Regional airports should not be under the scope of the directive as additional regulations would only mean administrative burden for regional airports, which would hamper their development and thus the accessibility of the region. However, the largest transfer hubs and main European and national airports should be regulated along with any other airport if it operates on a monopolistic market. Many of the smaller airports already face competition, which has a downward effect on airport charges levels.

Furthermore, national authorities need to understand the exact situation of their airport in order to be able to draw up the relevant regional development plans. Partnerships between public authorities and regional airports could therefore be established to promote the region and develop joint commercial activities.

AMENDMENTS

The Committee on Regional Development calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1

¹ Not yet published in OJ.

Recital 2

(2) It is necessary to establish a common framework regulating the essential features of airport charges and the way they are set, as in the absence of such framework, basic requirements in the *relation* between airport managing bodies and airport users may not be respected.

(2) It is necessary to establish a common framework regulating the essential features of airport charges and the way they are set, as in the absence of such *a* framework, basic requirements in the *relations* between airport managing bodies and airport users may not be respected. ***That framework should acknowledge the importance regional airports have for the social and economic development of regions, especially those which depend heavily on tourism as well as those that suffer geographical and natural handicaps, such as the outermost regions and islands.***

Justification

The role of air transport for EU's economic and social cohesion must be recognised in the Directive and the development of regional airports throughout the Union should be encouraged.

Amendment 2 Recital 2 a (new)

(2a) Airports, airlines and their accompanying infrastructure make a major contribution to social, economic and territorial cohesion in the European Union by connecting regions, creating employment and attracting businesses.

Justification

Air transport within Europe provides economic value and meets social needs for the communities it serves. Nine out of ten EU citizens live outside capital cities. Air transport connects major EU centres with the regions and thus keeps EU regions attractive and reduces the tendency to move away from the more distant areas.

As the two most important added value creators in the air transport sector, airports and airlines contribute jointly to development in the EU.

A good airport network fosters not just social and economic cohesion but also territorial cohesion within the EU.

Amendment 3

Recital 2 b (new)

(2b) Partnerships should be established between the various local and regional authorities, airlines and regional airports with a view to promoting the region in which the airport is located and developing joint economic activities.

Justification

National authorities need to understand the exact situation of their airport in order to be able to draw up the relevant regional development plans. Partnerships between public authorities and regional airports could, therefore, be established to promote the region and develop joint commercial activities.

The national authorities need to understand the exact situation of their airport in order to be able to draw up the necessary regional development plans. To that end, partnerships could be formed between local and regional authorities and regional airports in order to promote the region and develop joint commercial activities. Since airlines are the next most important added value creators after airports in the air transport sector, they should also be included in these partnerships.

The term 'economic activities', which is broader in scope than 'commercial activities', is used because science and technical parks are often set up in the close vicinity of airports and other types of businesses can work directly with an airport.

Amendment 4

Recital 3

(3) This Directive should apply to airports located in the Community territory that are above a minimum size, as the management and the funding of small airports do not call for the application of a Community framework.

(3) This Directive should apply to airports located in the Community territory that are above a minimum size, as the management and the funding of small airports do not call for the application of a Community framework, ***as most of them operate in an increasingly competitive business environment and such competition tends to exert downward pressure on airport charges.***

Justification

Many of the small airports are privately owned, and in many cases they are not the only operators in the region, so they face severe competition, which has a downward effect on airport charges levels.

Amendment 5
Recital 4 a (new)

(4a) The framework for regulating the income of airport operator should be determined by the Community guidelines on financing of airports and start-up aid to airlines departing from regional airports¹.

¹ OJ C 312, 9.12.2005, p. 1.

Justification

In order to guarantee fair competition and reflect actual costs, account must be taken not only of airport operators' income from airport charges but also of income from the public purse (e.g. state aids, grants and subsidies). This is particularly important in order to boost the efficient deployment of European funding.

Amendment 6
Recital 5

(5) Airport charges should be non-discriminatory. A compulsory procedure for regular consultation between airport managing bodies and airport users should be put in place with the possibility for either party to have recourse to an independent regulatory authority whenever a decision on airport charges or the modification of the charging system is contested by airport users.

(5) Airport charges should be non-discriminatory ***and should reflect real costs.*** A compulsory procedure for regular consultation between airport managing bodies and airport users should be put in place with the possibility for either party to have recourse to an independent regulatory authority whenever a decision on airport charges or the modification of the charging system is contested by airport users. ***The independent regulatory authority should have precise terms of reference clearly defined including in particular any powers they may have to take punitive action.***

Amendment 7
Recital 6

(6) An independent regulatory authority should be established in every Member State so as to ensure the impartiality of its decisions and the proper and effective application of this Directive. The authority should be in possession of all the necessary resources in terms of staffing, expertise, and financial means for the performance of its

(6) An independent regulatory authority should be ***nominated or*** established in every Member State so as to ensure the impartiality of its decisions and the proper and effective application of this Directive. The authority should be in possession of all the necessary resources in terms of staffing, expertise, and financial means for the

tasks.

performance of its tasks.

Justification

With the amendment the recital is in line with Article 10 (1). Wherever it is possible the independent regulatory authority should be nominated in order to avoid further extension of bureaucracy in Member States.

Amendment 8

Recital 9

(9) Due to the emergence of air carriers operating air services at low costs, airports served by these carriers should be enabled to apply charges corresponding to the infrastructure and/or the level of service provided as air carriers have a legitimate interest to require services from an airport that correspond with the price/quality ratio. However, access to such reduced level of infrastructure or services should be open to all carriers that wish to avail of them on a non-discriminatory basis. In case demand exceeds supply, access must be determined on the basis of objective and non-discriminatory criteria to be developed by an airport managing body.

(9) Due to the emergence of air carriers operating air services at low costs, airports served by these carriers should be enabled to apply charges corresponding to the infrastructure and/or the level of service provided as air carriers have a legitimate interest to require services from an airport that correspond with the price/quality ratio. However, access to such reduced level of infrastructure or services should be open to all carriers that wish to avail of them on a non-discriminatory basis. In case demand exceeds supply, access must be determined on the basis of objective and non-discriminatory criteria to be developed by an airport managing body. ***Any differentiation and/or increases in charges should be transparent, objective and based on clear criteria. Differentiation might be considered an incentive for the opening up of new routes and thus aid regional development in regions which suffer geographical and natural handicaps, including the outermost regions.***

Justification

The amendment is intended to clarify the conditions under which differentiation may be made.

Amendment 9

Article 1, paragraph 2

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty and open to commercial traffic whose annual traffic ***is***

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty and open to

over 1 million passenger movements or 25 000 tonnes of cargo.

This Directive shall not apply to the charges collected for the remuneration of en-route and terminal air navigation services in accordance with Commission Regulation (EC) 1794/2006 laying down a common charging scheme for air navigation services , or to the charges collected for the remuneration of groundhandling services referred to in the Annex of Council Directive 96/67/EC on access to the groundhandling market at Community airports .

This Directive is without prejudice to the right of each Member State to apply additional regulatory measures that are not incompatible with this Directive or other relevant provisions of Community law with regard to any airport managing body established in its territory. This may include in particular the approval of charging

commercial traffic whose annual traffic represents more than 0.5% of total passengers handled yearly within the Union.

3. Without prejudice to paragraph 2, a Member State may:

i) apply this Directive to any airport located in its territory and open to commercial traffic whose annual traffic represents more than 10% of total passengers handled yearly in that Member State;

ii) apply this Directive to any airport located in its territory and open to commercial traffic on the basis of a market survey conducted by its competent national authority. Such market survey shall be carried out after full consultation with the airport managing body and users of the airport concerned.

4. Every Member State shall publish a list of its airports to which this Directive applies and ensure access to the results of any market survey as referred to in paragraph 3(ii) to any interested party, albeit without disclosing confidential business information.

5. This Directive shall not apply to the charges collected for the remuneration of en-route and terminal air navigation services in accordance with Commission Regulation (EC) 1794/2006 laying down a common charging scheme for air navigation services, or to the charges collected for the remuneration of groundhandling services referred to in the Annex of Council Directive 96/67/EC on access to the groundhandling market at Community airports

6. This Directive is without prejudice to the right of each Member State to apply additional regulatory measures that are not incompatible with this Directive or other relevant provisions of Community law with regard to any airport managing body established in its territory. This may include in particular the approval of charging

systems and/or the level of charges based on competition law.

systems and/or the level of charges based on competition law.

Justification

Regional airports should not be under the scope of the directive as additional regulations would only mean administrative burden for regional airports, which would hamper their development and thus the accessibility of the region. However, the largest transfer hubs and main European and national airports should be regulated along with any other airport if it operates on a monopolistic market. Many of the smaller airports already face competition, which has a downward effect on airport charges levels.

Amendment 10
Article 2, point (e a) (new)

(ea) 'consumer' means any natural person or legal entity that purchases a transport service from an airport user.

Amendment 11
Article 3

Member States shall ensure that airport charges do not discriminate among airport users or air passengers.

Member States shall ensure that airport charges do not discriminate among airport users or air passengers ***using the same service.***

Justification

In case airport users use different airport infrastructure and services the level of airport charges can be different. For the same service there must be no discrimination among airport users or air passengers.

Amendment 12
Article 4, paragraph 1

1. Member States shall ensure that at each airport a compulsory and regular procedure for consultation between the airport management body and airport users or representatives of airport users is established with respect to the operation of the system of airport charges and the level of such charges. Such consultation shall take place ***at least once a year.***

1. Member States shall ensure that at each airport a compulsory and regular procedure for consultation between the airport management body and airport users or representatives of airport users is established with respect to the operation of the system of airport charges and the level of such charges. Such consultation shall take place ***when a revision of charges or the imposition of***

new charges is contemplated, and in any event at least once every two years.

Justification

The purpose of the amendment is to eliminate administrative burdens by holding consultations over airport charges issues in case there is a ground for discussion. It also takes into account the situation where prices have been agreed between airports and airlines for several years.

Amendment 13
Article 4, paragraph 2

2. Member States shall ensure that, wherever possible, changes to the airport charges system or to the level of charges are made in agreement between the airport managing body and the airport users. To that end, the airport managing body shall submit any proposal to modify the airport charges system or the level of airport charges to the airport users no later than 4 months before they enter into force, together with the reasons for the proposed changes. At the request of any airport user, the airport managing body shall hold consultations on the proposed changes with the airport users and take their views into account before the final decision is taken. The airport managing body shall publish its final decision no later than **2 months** before it enters into force. The airport managing body shall justify its decision with regard to the views of the airport users in the event no agreement on the proposed changes is reached between the airport managing body and the airport users.

2. Member States shall ensure that, wherever possible, changes to the airport charges system or to the level of charges are made in agreement between the airport managing body and the airport users. To that end, the airport managing body shall submit any proposal to modify the airport charges system or the level of airport charges to the airport users no later than 4 months before they enter into force, together with the reasons for the proposed changes. At the request of any airport user, the airport managing body shall hold consultations on the proposed changes with the airport users and take their views into account before the final decision is taken. The airport managing body shall publish its final decision no later than **6 months** before it enters into force. ***The criteria for publication shall be defined by the regulatory authority.*** The airport managing body shall justify its decision with regard to the views of the airport users in the event no agreement on the proposed changes is reached between the airport managing body and the airport users.

Justification

This period of 2 months is too short. Regions that depend on tourism could be greatly affected as tour operators need more time to accommodate to the decision because they often have reach agreements to provide services way before.

Amendment 14
Article 5, paragraph 1

1. Member States shall ensure that the airport managing body provides each airport user, or the representatives or associations of airport users, ***once a year*** with information on the components serving as a basis for determining the level of all charges levied at the airport. This information shall at least include:

1. Member States shall ensure that, ***when a revision of charges or the imposition of new charges is contemplated***, the airport managing body provides each airport user, or the representatives or associations of airport users with information on the components serving as a basis for determining the level of all charges levied at the airport. This information shall at least include:

Justification

In line with Article 4 paragraph 1.

Amendment 15
Article 5, paragraph 2

2. Member States shall ensure that airport users submit information to the management body ***on a regular basis***, concerning in particular:

2. Member States shall ensure that airport users submit information to the management body ***when a revision of charges or the imposition of new charges is contemplated***, concerning in particular:

Justification

In line with Article 4 paragraph 1.

Amendment 16
Article 6

Member States shall ensure that the airport managing body consults with airport users before plans for new infrastructure projects are finalised.

Member States shall ensure that the airport managing body consults with airport users before plans for new infrastructure projects are finalised. ***The criteria for introducing new charges should reflect the core operations of the airport that might affect airport users and consumers. .***

Amendment 17
Article 7, paragraph 2

2. Member States shall ensure that, in the event no agreement on service levels is reached, either party may seek intervention

2. Member States shall ensure that, in the event *that* no agreement on service levels is reached, either party may seek *the*

of the independent regulatory authority.

intervention of the independent regulatory authority. ***Member States shall define the precise conditions under which either party may seek the intervention of the independent regulatory authority.***

Justification

It should be ensured the parties only turn to the independent regulatory authority when all dialogue possibilities have been exhausted and only if there are serious grounds that justify an appeal.

Amendment 18 Article 8, paragraph 1

1. Member States shall take the necessary measures to allow the airport managing body to vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim *to provide* tailored services or a dedicated terminal or part of a terminal. The level of airport charges may be differentiated according to the quality and scope of such services.

1. Member States shall take the necessary measures to allow the airport managing body to vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim *of providing* tailored services or a dedicated terminal or part of a terminal ***and to the extent necessary to ensure compliance with public service obligations.*** The level of airport charges may be differentiated according to the quality and scope of such services ***and, in the case of the regions mentioned in Article 299(2) of the Treaty, enable all consumers to benefit from universal access to the services provided.***

Justification

The purpose of the amendment is to ensure compliance with public service obligations and, as far as the outermost regions are concerned, give all consumers access to air transport, bearing in mind that the islands in question are a very long way from the mainland and therefore have to rely on this particular transport mode.

Amendment 19 Article 8, paragraph 2

2. Member States shall ensure that any airport user wishing to use the tailored services or dedicated terminal or part of a terminal, shall have access to these services and terminal or part of terminal.

2. Member States shall ensure ***non-discrimination*** so that any airport user wishing to use the tailored services or dedicated terminal or part of a terminal, shall have access to these services and terminal or part of terminal.

Amendment 20
Article 10, paragraph 4

4. *Whenever* an airport managing body or an airport user has a complaint with regard to any matter within the scope of this Directive, it may refer the complaint to the independent regulatory authority which, acting as dispute *settlement* authority, shall issue a decision within two months after receipt of the complaint. The independent regulatory authority shall have the right to request the necessary information from the parties for the decision. The decisions of the regulatory authority shall have binding effect.

4. ***Without prejudice to existing dispute resolution mechanisms or statutory appeal procedures, where*** an airport managing body or an airport user has a complaint with regard to any matter *falling* within the scope of this Directive, it may, ***on conditions determined by the Member State concerned,*** refer the complaint to the independent regulatory authority which, acting as dispute *resolution* authority, shall issue a decision within two months after receipt of the complaint. The independent regulatory authority shall have the right to request the necessary information from the parties for the decision. The decisions of the regulatory authority shall have binding effect.

Justification

It should be ensured the parties only turn to the independent regulatory authority when all dialogue possibilities have been exhausted and only if there are serious grounds that justify an appeal. The right to appeal should be ensured according to each Member States' legal system.

Amendment 21
Article 10, paragraph 5

5. The independent regulatory authority shall publish an annual report concerning its activities.

5. The independent regulatory authority shall publish an annual report concerning its activities ***in the fifth month of each year. It should make its report available to users, the Commission and the general public.***

Amendment 22
Article 11, paragraph 1

1. The Commission shall submit a report to the European Parliament and the Council on the operation of this Directive no later than 4 years after its entry into force as well as, when appropriate, any suitable proposal.

1. The Commission shall submit a report to the European Parliament and the Council on the operation of this Directive, ***assessing progress made in attaining the objectives of this regulation,*** no later than 4 years after its entry into force as well as, when appropriate, any suitable proposal.

Justification

An independent evaluation of the operation of the directive should be linked to the progresses made in relation to the set objectives.

PROCEDURE

Title	Airport charges
References	COM(2006)0820 - C6-0056/2007 - 2007/0013(COD)
Committee responsible	TRAN
Opinion by Date announced in plenary	REGI 13.3.2007
Drafts(wo)man Date appointed	Antonio De Blasio 20.3.2007
Discussed in committee	12.4.2007 7.6.2007
Date adopted	13.9.2007
Result of final vote	+: 36 -: 2 0: 2
Members present for the final vote	Elsbeth Attwooll, Jean Marie Beaupuy, Rolf Berend, Jana Bobošíková, Antonio De Blasio, Bairbre de Brún, Vasile Dîncu, Iratxe García Pérez, Eugenijus Gentvilas, Ambroise Guellec, Mieczysław Edmund Janowski, Rumiana Jeleva, Gisela Kallenbach, Miloš Koterec, Constanze Angela Krehl, Jamila Madeira, Mario Mantovani, Sérgio Marques, Miguel Angel Martínez Martínez, Yiannakis Matsis, Miroslav Mikolášik, Jan Olbrycht, Markus Pieper, Pierre Pribetich, Wojciech Roszkowski, Elisabeth Schroedter, Grażyna Staniszevska, Margie Sudre, Kyriacos Triantaphyllides, Oldřich Vlasák
Substitute(s) present for the final vote	Jan Březina, Den Dover, Emanuel Jardim Fernandes, Louis Grech, Ljudmila Novak, Zita Pleštinská, Richard Seeber, László Surján, Nikolaos Vakalis
Substitute(s) under Rule 178(2) present for the final vote	Olle Schmidt

PROCEDURE

Title	Airport charges			
References	COM(2006)0820 - C6-0056/2007 - 2007/0013(COD)			
Date submitted to Parliament	24.1.2007			
Committee responsible Date announced in plenary	TRAN 13.3.2007			
Committee(s) asked for opinion(s) Date announced in plenary	ECON 13.3.2007	ENVI 13.3.2007	IMCO 13.3.2007	REGI 13.3.2007
Not delivering opinions Date of decision	ENVI 27.2.2007	IMCO 11.4.2007		
Rapporteur(s) Date appointed	Ulrich Stockmann 6.3.2007			
Discussed in committee	8.5.2007	11.9.2007	8.10.2007	
Date adopted	21.11.2007			
Result of final vote	+: 38 -: 1 0: 0			
Members present for the final vote	Inés Ayala Sender, Etelka Barsi-Pataky, Paolo Costa, Michael Cramer, Christine De Veyrac, Petr Duchoň, Saïd El Khadraoui, Francesco Ferrari, Mathieu Grosch, Georg Jarzembowski, Stanisław Jałowiecki, Timothy Kirkhope, Dieter-Lebrecht Koch, Rodi Kratsa-Tsagaropoulou, Sepp Kusstatscher, Jörg Leichtfried, Boguslaw Liberadzki, Eva Lichtenberger, Seán Ó Neachtain, Josu Ortuondo Larrea, Willi Piecyk, Paweł Bartłomiej Piskorski, Luís Queiró, Reinhard Rack, Luca Romagnoli, Gilles Savary, Brian Simpson, Dirk Sterckx, Ulrich Stockmann, Lars Wohlin, Roberts Zīle			
Substitute(s) present for the final vote	Zsolt László Becsey, Johannes Blokland, Markus Ferber, Nathalie Griesbeck, Leopold Józef Rutowicz, Corien Wortmann-Kool			
Substitute(s) under Rule 178(2) present for the final vote	Inger Segelström, Dan Mihalache			