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**A7-0364/2012**

8.11.2012

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## **REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on groundhandling services at Union airports and repealing Council Directive  
96/67/EC  
(COM(2011)0824 – C7-0457/2011 – 2011/0397(COD))

Committee on Transport and Tourism

Rapporteur: Artur Zasada

Rapporteur for the opinion (\*): Thomas Mann, Committee on Employment and  
Social Affairs

(\*) Associated committees – Rule 50 of the Rules of Procedure

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

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

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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(\*) Associated committee – Rule 50 of the Rules of Procedure



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council on groundhandling services at Union airports and repealing Council Directive 96/67/EC (COM(2011)0824 – C7-0457/2011 – 2011/0397(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0824),
  - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0457/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Luxembourg Chamber of Deputies, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 28 March 2012<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 19 July 2012<sup>2</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on Employment and Social Affairs and the Committee on the Internal Market and Consumer Protection (A7-0364/2012),
1. Rejects the Commission proposal;
  2. Calls on the Commission to withdraw its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 181, 21.6.2012, p. 173.

<sup>2</sup> OJ C 277, 13.9.2012, p. 111.

19.9.2012

## **OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS (\*)**

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council on groundhandling services at Union airports and repealing Council Directive 96/67/EC (COM(2011)0824 – C7-0457/2011 – 2011/0397(COD))

Rapporteur:(\*): Thomas Mann

(\*) Associated committee – Rule 50 of the Rules of Procedure

### **SHORT JUSTIFICATION**

The hearing of the EMPL Committee on groundhandling services on 31 May 2012 was attended by representatives of trade unions, airport operators, airlines and the European Commission. The results have been taken into account in this opinion.

Groundhandling services are vital to the smooth operation of airports. There are 11 categories of groundhandling services: (1) ground administration and supervision, (2) passenger handling, (3) baggage handling, (4) freight and mail handling, (5) ramp handling, (6) cleaning services and aircraft services (7) fuel and oil handling (8) aircraft maintenance, (9) flight operations and crew administration, (10) surface transport, (11) catering services. At present it is permitted to restrict market access to categories 3, 4, 5 and 7.

#### **Relevance of groundhandling services**

According to the Commission, the worldwide turnover of groundhandling services is approximately €50 bn<sup>1</sup>. It is estimated that the sector employs at least 60 000 persons in Europe.<sup>2</sup>

#### **The 1996 liberalisation and its consequences**

Your rapporteur drafted opinions on groundhandling services in 1996 and 2008. In 1996 the EP and the Council adopted Directive 96/67/EC. It has the aim of opening up the groundhandling market and permitting more competition. The Ecorys study, which the Commission cites repeatedly, reaches the conclusion that, as a result of the first opening-up of the market, jobs have become more insecure and the number of short-term contracts has

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<sup>1</sup> Proposal for a regulation COM (2011) 824, Explanatory Memorandum, p. 2.

<sup>2</sup> Proposal for a regulation COM (2011) 824, Explanatory Memorandum, p. 2.

increased.<sup>1</sup> Moreover, half the trade unions in the EU have emphasised that wage trends in groundhandling services have lagged behind both inflation and average wage rises.<sup>2</sup> Staff expenditure accounts for some 75% of groundhandling production costs. According to the Commission, airlines' costs have been significantly reduced.<sup>3</sup> The cost linked to groundhandling services for them represents 5 to 12% of operating costs.<sup>4</sup>

### **Liberalisation plans of 2012 to cut delays**

On 1 December 2011, the Commission submitted the proposal for a regulation on groundhandling services, intended to replace Directive 96/67/EC. The regulation aims to cut delays and improve the quality of services to passengers. In order to achieve this aim, the Commission wishes to further liberalise the market in groundhandling services by approving entry to the market for at least one additional, third, independent groundhandling undertaking.

### **Groundhandling is not a prime cause of delays**

Your rapporteur strongly disputes the Commission's claim that three out of four delays are caused by groundhandling. He has valid information, at least from German airports, which indicates that groundhandling is responsible only for an extremely small proportion of delays, and indeed in some cases that proportion is negligible. The range is 0.6% to 4%.

In a reply to a written question tabled by your rapporteur, Transport Commissioner Kallas made it clear that the Commission did not have any data on delays specifically attributable to groundhandling, either for the EU or for Member States. Your rapporteur therefore disagrees with the Commission's choice of a regulation as the legal form for its proposals. He believes that this will deprive the Member States of the necessary freedom of action.

### **Rejection of liberalisation**

Your rapporteur decidedly opposes further liberalisation. The groundhandling market has already achieved a high level of productivity. Optimisation of processes has largely been completed. Many suppliers already make only small profits.

Under these circumstances, approving additional suppliers would mean that, because of the additional pressure on prices, staff costs would be reduced, so that this pressure would be passed on directly to staff. The results of the last liberalisation show that this must be prevented. It is unacceptable that wages in the groundhandling sector should fall further and that yet more permanent staff should be replaced with staff on temporary contracts. Groundhandling staff are responsible for the security of aviation, maintaining technical air safety and averting the threat of terrorism.

It is contrary to the security interests of the public to increase pressure on the terms of employment of staff and force them into a precarious position. The aim of improving quality will not be achieved by wage dumping. The standards which are in place, smooth functioning and high staff motivation would be jeopardised.

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<sup>1</sup> Ecorys study, 21 December 2007: Social developments in the EU air transport: A study of developments in employment, wages and working conditions in the period of 1997 - 2007, p. 56.

<sup>2</sup> Ecorys study, 21 December 2007: Social developments in the EU air transport: A study of developments in employment, wages and working conditions in the period of 1997 - 2007, p. 56.

<sup>3</sup> EU Commission report of 24 January 2007 on groundhandling.

<sup>4</sup> Proposal for a regulation COM (2011) 824, Explanatory Memorandum, p. 2.

**Guarantees of staff transfer**

Article 12 of the Commission proposal lays down that groundhandling staff may be given guarantees of transfer and protective rights. This is intended to attenuate the impact of further liberalisation. Your rapporteur welcomes this approach. However, if, despite strong opposition, liberalisation comes about, this vague option must become obligatory. It should be a requirement affording far-reaching protection and guaranteeing maximum levels of quality and safety/security. These demands are the basis for the amendments tabled by your rapporteur.



## AMENDMENTS

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

### Amendment 1

#### Proposal for a regulation Citation 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Having regard to the judgment of the Court of Justice of the European Union of 14 July 2005, Case C-386/03 Commission v Germany<sup>1</sup> and Case C-460/02 Commission v Italy,***

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<sup>1</sup> [2005], I-6947.

### Amendment 2

#### Proposal for a regulation Recital 17

*Text proposed by the Commission*

*Amendment*

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

(17) ***It should be clarified and ensured how*** Member States may require ***without any ambiguity*** the takeover of staff upon a change of provider for groundhandling services. Discontinuity of staff ***has*** a detrimental effect on the quality of groundhandling services. It is therefore ***urgently necessary*** to clarify ***and, if necessary, amend*** the rules on the ***transfer*** of staff ***via the correspondent*** application of Directive 2001/23/EC on transfers of undertakings, ***in consultation with the social partners***, enabling Member

States to ensure adequate employment, *safety* and working conditions *as well as the protection of employee's rights and high labour standards. It is recommended to the Member States that the dismissal on economic, technical or organisational grounds should not be permitted in this context.*

### **Amendment 3**

#### **Proposal for a regulation Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

*(17a) The provisions of this regulation should ensure appropriate safety levels, so that high staff turnover and a large number of contracts with subcontractors do not pose a risk to safety standards;*

### **Amendment 4**

#### **Proposal for a regulation Recital 17 b (new)**

*Text proposed by the Commission*

*Amendment*

*(17b) The legislator should ensure that it is possible for a Member State to recommend that staff be transferred if there is a change in the supplier of a limited groundhandling service.*

#### *Justification*

*Making it possible for Member States to oblige suppliers or airport users to transfer staff will not increase the quality of groundhandling services or the level of competitiveness.*

### **Amendment 5**

#### **Proposal for a regulation Recital 28**

*Text proposed by the Commission*

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

*Amendment*

(28) In a labour-intensive sector such as groundhandling, continuous staff development and training have a strong impact on service quality **and the safety of operations. A competent European institution in cooperation with the competent authorities in the Member States, airport operators and social partners** should **set ambitious minimum standards to ensure the highest quality for education and training of employees in the groundhandling sector. These standards should be regularly updated and developed in order to contribute to** the quality of operations in terms of reliability, resilience, safety and security, and to create a level playing field among operators. **As long as the required standards are not met at the respective airport, the accreditation of service providers concerned shall be suspended, withdrawn or withheld until the appropriate standard has been attained again. Concerning the details for additional airport specific training, the minimum duration of this training should be 5 days.**

**Amendment 6**

**Proposal for a regulation  
Recital 28 a (new)**

*Text proposed by the Commission*

*Amendment*

**(28 a) In order to improve the working conditions of baggage handlers, limits in the maximum allowable baggage weight should be reduced further, especially where baggage handling is performed manually. When handling baggage manually, the weight of individual pieces of baggage should also be clearly indicated through a baggage tagging**

*system dividing baggage items into different weight classes.*

## Amendment 7

### Proposal for a regulation Recital 31

*Text proposed by the Commission*

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

*Amendment*

(31) Member States should ensure ***that*** the staff of ***undertakings*** providing groundhandling services ***enjoys*** an adequate level of social protection, ***as well as decent working conditions, also in the case of subcontracting and in the context of service contracts. If competent authorities in the Member State find that gaps in protection exist or that rules are being breached, the accreditation of service providers concerned may be suspended, withdrawn or withheld, until the appropriate standard has been attained again;***

## Amendment 8

### Proposal for a regulation Recital 31 a (new)

*Text proposed by the Commission*

*Amendment*

***(31 a) Considering that work in the field of baggage handling services can lead to the risk of employees being worn out early in their working life, this Regulation gives Member States the possibility of introducing national legislation in order to improve working conditions.***

## Amendment 9

### Proposal for a regulation Article 12 – title

*Text proposed by the Commission*

Safeguarding of employees' rights in the event of transfer of staff ***for services subject to market access restrictions***

*Amendment*

Safeguarding of employees' rights in the event of transfer of staff

**Amendment 10**

**Proposal for a regulation  
Article 12 – paragraph 1**

*Text proposed by the Commission*

1. This Article applies ***only*** to groundhandling services for which the Member State concerned has limited the number of suppliers in accordance with Article 6 or 14.

*Amendment*

1. This Article applies to groundhandling services for which the Member State concerned has limited the number of suppliers in accordance with Article 6 or 14. ***Member states should examine in detail against the background of the present regulation whether a restriction of competition is indicated for further sectors.***

**Amendment 11**

**Proposal for a regulation  
Article 12 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. Where, following the selection procedure laid down in Articles 7 to 10, a supplier of groundhandling services mentioned in paragraph 1 loses its authorisation to provide these services ***or where a service provider ceases to provide groundhandling services to an airport user or where a self-handling airport user decides to cease self-handling***, Member States ***shall*** require supplier(s) of groundhandling services ***or self-handling airport users*** which subsequently provide these services to grant staff previously hired to provide these services the rights to which they would have been entitled if there had been a transfer within the

meaning of Council Directive 2001/23/EC. **Article 4(1), second sentence, of Directive 2001/23/EC shall not apply to the cases referred to in the first sentence of this paragraph. Dismissal on economic, technical or organisational grounds shall not be permitted.**

## Amendment 12

### Proposal for a regulation Article 12 – paragraph 2a (new)

*Text proposed by the Commission*

*Amendment*

**2a. These rights include the application of collective agreements of general validity or usual in a line of business, according to the conventions in the Member States.**

## Amendment 13

### Proposal for a regulation Article 12 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Member States shall limit the requirement in paragraph (2) to the employees of the previous supplier who are involved in the provision of services for which the previous supplier lost authorisation, and who voluntarily accept to be taken on by the new supplier(s).

3. Member States shall limit the requirement in paragraph (2) to the employees of the previous supplier, **including self handling airport users**, who are involved in the provision of **groundhandling** services **that the previous supplier stops providing or** for which the previous supplier lost authorisation, and who voluntarily accept to be taken on by the new supplier(s) **or self-handling airport user. The costs of a redundancy plan for departing staff shall be borne by airlines in proportion to their traffic share in the previous supplier.**

## Amendment 14

### Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

*Amendment*

**4. Member States shall limit the requirement in paragraph (2) so that it is to be proportionate to the volume of activity effectively transferred to the other supplier(s).** *deleted*

#### *Justification*

*By means of Article 12(4), the Commission seeks to dilute the application of the Directive on transfers of undertakings (2001/23/EC) by introducing a proportionality reservation. The guarantees of transfer which the Commission suggests may apply to staff in return for liberalisation must be mandatory and far-reaching. Otherwise, a quid pro quo will be nothing more than a sham. The rapporteur therefore proposes deleting the reference to the application of this reservation.*

## Amendment 15

### Proposal for a regulation Article 12 – paragraph 5

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 16

### Proposal for a regulation Article 12 – paragraph 6

Text proposed by the Commission

*Amendment*

**6. Where a supplier of groundhandling services stops providing to an airport user** *deleted*

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

*Justification*

*Article 12 should be simplified by dealing with all three cases (loss of the licence by the service provider, cessation by a service provider to provide groundhandling services, cessation by a self-handler to provide self-handling services) jointly in the second paragraph of Article 12. As a result, Article 12(6) can be deleted.*

**Amendment 17**

**Proposal for a regulation  
Article 12 – paragraph 7**

Text proposed by the Commission

*Amendment*

**7. Member States shall limit the requirement in paragraph (6) to the employees of the previous supplier who are involved in the provision of groundhandling services that the previous supplier stops providing, and who voluntarily accept to be taken on by the new supplier(s) or self-handling airport user.**

**deleted**

*Justification*

*Article 12 should be simplified by dealing with all three cases (loss of the licence by the service provider, cessation by a service provider to provide groundhandling services, cessation by a self-handler to provide self-handling services) jointly in the second paragraph of Article 12. As a result, Article 12(6) can be deleted, as can Article 12(7), as it is automatically covered by Article 12(3).*



## Amendment 18

### Proposal for a regulation Article 12 – paragraph 8

Text proposed by the Commission

*Amendment*

**8. Member States shall limit the requirement in paragraph (6) to the employees of the self-handling airport user who are involved in the provision of groundhandling services for which the self-handling airport user decides to stop self-handling, and who voluntarily accept to be taken on by the new supplier(s) or self-handling airport user.** *deleted*

#### *Justification*

*Article 12 should be simplified by dealing with all three cases (loss of the licence by the service provider, cessation by a service provider to provide groundhandling services, cessation by a self-handler to provide self-handling services) jointly in the second paragraph of Article 12. As a result, Article 12(6) can be deleted, as can Article 12(7) and (8), as these paragraphs are automatically covered by Article 12(3).*

## Amendment 19

### Proposal for a regulation Article 12 – paragraph 9

Text proposed by the Commission

*Amendment*

**9. Member States shall limit the requirement in paragraph (6) so that it is to be proportionate to the volume of activity effectively transferred to the other supplier or self-handling airport user.** *deleted*

#### *Justification*

*By means of Article 12(9), the Commission seeks to dilute the application of the Directive on transfers of undertakings (2001/23/EC) by introducing a proportionality reservation. The guarantees of transfer which the Commission suggests may apply to staff in return for liberalisation must be mandatory and far-reaching. Otherwise, a quid pro quo will be nothing more than a sham. The rapporteur therefore proposes deleting the reference to the*

*application of this reservation.*

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 12 – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***10 a. The Member States shall ensure that wage dumping is prevented not only as applied to the permanent groundhandling employees but also in the event of a transfer of staff, in order to guarantee adequate social standards and to improve the quality of groundhandling services;***

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 12 – paragraph 10 b (new)**

*Text proposed by the Commission*

*Amendment*

***10 b. The competent authorities of the Member States shall ensure that there is adequate social protection for the staff recruited to provide these services;***

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 12 – paragraph 10 c (new)**

*Text proposed by the Commission*

*Amendment*

***10 c. As a cushion against any harmful effects of liberalisation in the groundhandling sector, binding minimum service quality standards need to be defined and enforced by airport managing authorities in the interest of safe, reliable and efficient operations;***

## Amendment 23

### Proposal for a regulation Article 20

#### *Text proposed by the Commission*

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

#### *Amendment*

An undertaking applying for an approval shall demonstrate that its employees have the qualification, professional experience and length of service necessary for the performance of the activity it applies **or applied for. Individual requirements concerning qualifications, professional experience and length of service shall be set and justified for each airport by the competent authorities in the Member State in cooperation with the airport operator and the social partners concerned. The competent authorities in the Member States monitor their application. Moreover, general training standards for groundhandling staff shall be established at EU level by a competent European institution, the competent authorities of the Member States, airport operators and social partners. When binding European minimum standards are developed for education and training, Member States shall implement and monitor them in order to ensure the highest possible safety standards throughout Europe.**

## Amendment 24

### Proposal for a regulation Article 34 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

1. Suppliers of groundhandling services and self-handling airport users shall ensure that all their employees involved in the provision of groundhandling services, including managing staff and supervisors, regularly attend **occupational** and recurrent training, **harmonised at European level**, to

assigned to them.

enable them to perform the tasks assigned to them *and to prevent accidents and injuries. A competent European institution in cooperation with the competent authorities in the Member States, airport operators and social partners shall set ambitious and binding minimum standards to ensure the highest quality for education and training of employees in the groundhandling sector. These standards shall be regularly updated and developed in order to contribute to the quality of operations in terms of reliability, resilience, safety and security, and to create a level playing field among operators. The competent authorities in the Member States shall monitor compliance with education and training standard using appropriate means. Until the required standards are met at the respective airport, the accreditation of service providers concerned shall be suspended, withdrawn or withheld. This procedure serves to maintain the safety in the European air traffic. At the expense of the groundhandling service provider concerned and self-handling airport users, recurrent training may be ordered.*

## Amendment 25

### Proposal for a regulation Article 34 – paragraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

2. Every employee involved in the provision of groundhandling services *must regularly attend a theoretical and practical basic training as well as a training* relevant for the tasks assigned to the employee. *The competent authorities in the Member States in cooperation with the airport operators and social partners concerned shall determine details for additional airport specific training, the frequency and the respective minimum*

*duration of this training. The passing of a practical and a theoretical test shall serve to demonstrate that the relevant skills and knowledge have been acquired. The training costs shall be borne in full by the employers.* Every employee shall attend the relevant training *before* taking up a new job or *starting a newly assigned task*.

## Amendment 26

### Proposal for a regulation

#### Article 34 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. Where relevant for the activity of groundhandling services in question, training shall cover at least:

*Amendment*

**3. *The specific content of the tests and courses and their proper conduct shall be harmonised on European level and regulated and monitored by the competent authorities in the Member States.*** Where relevant for the activity of the groundhandling services in question, training ***and tests*** shall cover at least:

## Amendment 27

### Proposal for a regulation

#### Article 34 – paragraph 3 – point g

*Text proposed by the Commission*

(g) functional training for passenger handling, including training on passenger boarding bridge training and passenger information and assistance in accordance with Regulations (EC) No 261/2004 and (EC) No 1107/2006;

*Amendment*

(g) functional training for passenger handling, ***with emphasis on those passengers with special needs, in particular those with limited mobility or disabilities;*** including training on passenger boarding bridge training and passenger information and assistance in accordance with Regulations (EC) No 261/2004 and (EC) No 1107/2006;

## Amendment 28

### Proposal for a regulation

#### Article 34 – paragraph 3 – point n

Text proposed by the Commission

(n) emergency measures and contingency management;

*Amendment*

(n) emergency measures, ***first aid training*** and contingency management;

## Amendment 29

### Proposal for a regulation

#### Article 34 – paragraph 3 – point p a (new)

Text proposed by the Commission

*Amendment*

***(pa) measures to protect groundhandling staff against health hazards typically associated with their work.***

## Amendment 30

### Proposal for a regulation

#### Article 39 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

1. The Commission shall submit a report to the European Parliament and the Council on the implementation of this Regulation not later than **3** years after the date of application of this Regulation. The report shall in particular assess ***the*** impact on the quality of groundhandling services ***as well as*** employment and working conditions. The report shall ***examine*** the following indicators and criteria:

## Amendment 31

### Proposal for a regulation

#### Article 39 – paragraph 1 – point l

Text proposed by the Commission

(l) minimum quality standards for groundhandling undertakings;

*Amendment*

(l) minimum quality standards for groundhandling undertakings ***at each airport in the European Union for the 11 categories of services; examination of the connection between delays caused by groundhandling services and minimum quality standards;***

## Amendment 32

### Proposal for a regulation

#### Article 39 – paragraph 1 – point m

Text proposed by the Commission

(m) training ***features***;

*Amendment*

(m) ***the state of training and further training with reference to the fields listed in Article 34(3)(a) to (q); examination of the connection between delays caused by groundhandling services and the state of training and further training;***

## Amendment 33

### Proposal for a regulation

#### Article 39 – paragraph 1 – point n

*Text proposed by the Commission*

(n) transfer of staff and its impact on the protection of employees;

*Amendment*

(n) transfer of staff and its impact on the protection of employees, ***particularly the number of staff transferred where a change of groundhandling service provider occurred, the number of staff who accepted voluntary redundancy where a change of groundhandling service providers occurred; the development of wages in the case of transferred workers and the number of cases brought before employment***

*tribunals in connection with transfers.*

#### **Amendment 34**

##### **Proposal for a regulation**

##### **Article 39 – paragraph 1 – point o**

Text proposed by the Commission

*Amendment*

(o) employment and working conditions in the groundhandling sector.

(o) employment and working conditions in the groundhandling sector, ***particularly trends in wages and salaries in comparison with trends in the prices charged for handling and in comparison with changes in the productivity of groundhandling services at the airport as a whole and those supplied by individual groundhandling service providers.***

##### *Justification*

*The report should already be submitted after three years, so that adverse effects of the regulation can be identified at an early stage. The restriction to ‘significant impact’ allows too much scope for interpretation. The indicators must be defined more clearly in order to obtain valid data on the connections between groundhandling services and delays.*

#### **Amendment 35**

##### **Proposal for a regulation**

##### **Article 39 – paragraph 1 – point o a (new)**

*Text proposed by the Commission*

*Amendment*

***(o a) link between delays caused by groundhandling services and insufficient quality standards;***

#### **Amendment 36**

##### **Proposal for a regulation**

##### **Article 39 – paragraph 3**

Text proposed by the Commission

*Amendment*

3. On the basis of this report the Commission may decide if a revision of this Regulation is necessary.

3. On the basis of this report the Commission, ***in close cooperation with the European Parliament,*** may decide if a



revision of this Regulation is necessary.

### *Justification*

*By means of Article 39(3), the Commission seeks to make itself the sole arbiter of whether a new version of the regulation is needed. The European Parliament must be closely involved in deciding this.*

### **Amendment 37** **Proposal for a regulation** **Article 40**

#### *Text proposed by the Commission*

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

#### *Amendment*

***Member States shall ensure legally that the staff of undertakings providing third party groundhandling or self-handling services enjoys an adequate level of social security as well as decent working conditions, also in the case of subcontracting and in the context of service contracts. If competent authorities in the Member State find that the required standards are not met at the respective airport the accreditation of service providers or self-handling services concerned shall be suspended, withdrawn or withheld, until the appropriate standard has been attained again.***

## PROCEDURE

<b>Title</b>	Groundhandling services at Union airports and repeal of Council Directive 96/67/EC			
<b>References</b>	COM(2011)0824 – C7-0457/2011 – 2011/0397(COD)			
<b>Committee responsible</b> Date announced in plenary	TRAN 15.12.2011			
<b>Opinion by</b> Date announced in plenary	EMPL 15.12.2011			
<b>Associated committee(s) - date announced in plenary</b>	24.5.2012			
<b>Rapporteur</b> Date appointed	Thomas Mann 27.10.2011			
<b>Discussed in committee</b>	31.5.2012	21.6.2012	6.9.2012	17.9.2012
<b>Date adopted</b>	18.9.2012			
<b>Result of final vote</b>	+: –: 0:	36 4 1		
<b>Members present for the final vote</b>	Regina Bastos, Edit Bauer, Heinz K. Becker, Pervenche Berès, Vilija Blinkevičiūtė, Philippe Boulland, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Marije Cornelissen, Emer Costello, Andrea Cozzolino, Frédéric Daerden, Sari Essayah, Thomas Händel, Marian Harkin, Nadja Hirsch, Stephen Hughes, Danuta Jazłowiecka, Ádám Kósa, Jean Lambert, Veronica Lope Fontagné, Olle Ludvigsson, Thomas Mann, Elisabeth Morin-Chartier, Csaba Öry, Siiri Oviir, Licia Ronzulli, Elisabeth Schroedter, Jutta Steinruck, Traian Ungureanu, Inês Cristina Zuber			
<b>Substitute(s) present for the final vote</b>	Kinga Göncz, Tunne Kelam, Jan Kozłowski, Svetoslav Hristov Malinov, Anthea McIntyre, Antigoni Papadopoulou, Birgit Sippel, Csaba Sógor			
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Cornelia Ernst			

23.8.2012

## **OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION**

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council on groundhandling services at Union airports and repealing Council Directive 96/67/EC (COM(2011)0824 – C7-0457/2011 – 2011/0397(COD))

Rapporteur: Ildikó Gáll-Pelcz

### **SHORT JUSTIFICATION**

On 1 December 2011, the European Commission published its proposal for a Regulation on ground handling services at Union airports.

The ground handling industry has long awaited the Commission's proposal which should enhance the efficiency and overall quality of ground handling services through a further opening of the market. Although the proposal constitutes a significant improvement on the current legislative framework, important issues still need to be addressed in order to ensure an efficient opening of the market, based on consistency and transparency and improved service for both airport users and hence passengers.

#### **Increasing the choice of ground handling solutions at EU airports**

In its proposal, the Commission increases the obligation of a minimum number of third-party providers of certain essential ground handling services (for baggage-, ramp-, fuel/oil-, freight- and mail handling) from two to three providers at airports with more than 5 million passengers and the possibility for every airline to self-handle, which will allow for more choices and contribute to improving the overall quality of ground handling services at European airport.

The Commission's proposal is an important step in the right direction of opening the market for ground handling services.

The rapporteur therefore supports that at airports with more than 5 million passengers annually, the minimum number of suppliers should be three. For those airports, the rapporteur does not see the need for further restriction of access for ground handling providers as proposed by the Commission in Article 14 for airports with specific constraints.

The rapporteur welcomes the introduction of mutual recognition of approvals from other Member States, which is a central principle for the free movement and hence the Internal Market. In general the procedure for granting approvals shall be transparent, non-discriminatory, and may not in practice reduce market access or the freedom to self-handle to a level below that provided for in the regulation.

### **A balanced liberalisation of the EU ground handling market**

The opening of the market for ground handling services should however be balanced. Ground handling is a very competitive and capital-intensive business with high fixed costs for staff and equipment. Since the opening of the ground handling market, airlines have succeeded in continuously driving down handling fees. As a result, the European ground handling sector has seen declining margins over the past ten years, despite the rapid growth of passenger numbers across the EU.

A full opening of the market would put more pressure on handlers who in turn would be forced to reduce staff costs. This would lead to a downward pressure on wages, less job security and staff training as well as a rise in part-time, temporary employment.

### **Further improvement of tenders – need for more flexibility**

The rapporteur acknowledges that the Commission proposal introduces improvements for tenders by more detailed specifications of the selection procedure, and by increasing the maximum duration of the selection period for a provider of certain essential ground handling service to ten years. According to the rapporteur, the maximum duration should be ensured for all ground handling services, and not be restricted in case of exemptions given in Article 14 of the proposal.

In order to allow for more flexibility for service providers and especially give better access to SMEs, the rapporteur suggests giving access for the contracting entity to divide ground handling services in lots, and organising a separate tender procedure for each lot. In order not to undermine the access to the ground handling market, it is important that open tenders are kept vital and the rapporteur therefore suggests an obligation for the contracting entity, when a tender is not successful, to launch a new tender within a set deadline of twelve months.

The rapporteur underlines that an unsuccessful tender for a limited period where another supplier has ceased its services before the foreseen period is to be seen as “de facto” monopoly, which gives the reason for the Member States to regulate the prices of those ground handling service as the Commission proposes, while the market is legally still considered open.

### **Centralised infrastructure and clarifications in regards to fees**

In order to ensure transparency and the planning of airport users, it is important to ensure a common and transparent charging system for centralised airport infrastructures and installations. The rapporteur further suggests an obligation for the managing body to include

in the information to the Airport User's Committee and undertakings, a forecast of the situation at the airports as regards to ground handling fees, traffic growth and proposed investments in infrastructure.

To avoid the situation where vexatious challenges are raised simply to postpone the application of a charge, it would be important that airport authorities should be allowed to recoup the fees for the time elapsed when the appeal was being processed. If a decision on the levels of ground handling fees is brought before the independent supervisory authority, as set out in paragraph 6 of this Article, it shall not take effect until the independent supervisory authority has examined the matter. If the independent supervisory authority agrees with the decision by the managing body of the infrastructure on the level of ground handling fees, the fees may be recouped from the time the initial decision was made.

### **Coordination of activities**

In order to strengthen the coordinating role of the managing body of the airport, the airport operator shall be empowered to enforce the rules of conduct. The rapporteur underlines that the managing body of the airport should be responsible for the proper coordination of ground-handling activities at its airport.

### **Use of Standards**

The rapporteur supports the introduction of minimum standards for airport services, which will improve services and help the functioning of the airports. It is important that the minimum standards respect safety requirements, arrangements and management systems of the airport as referred to in Regulation (EC) No 216/2008 on common rules in the field of civil aviation. Further to this, the rapporteur introduces an obligation for providers of ground handling services to establish and implement a safety management system, which should support the enforcement of the minimum quality standards. In addition, the airport operator shall be empowered to enforce the minimum quality standards.

### **Conclusion**

The rapporteur underlines that the opening of the market for ground handling services in the EU should be balanced, as a full liberalisation could lead to a high degree of instability as more and more handlers would be forced out of business. Handling companies are the backbone of air transport and an unstable handling market would lead to repeated disruption at Europe's airports as well as significant lay-offs. In the long run, however, full liberalisation is likely to lead to a Europe-wide oligopoly of a few remaining handling companies. Such an oligopoly would run counter to the interests of airlines, workers and passengers and would have a negative effect on competition, growth and jobs.

## **AMENDMENTS**

The Committee on the Internal Market and Consumer Protection calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

## Amendment 1

### Proposal for a regulation Recital 18

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 2

### Proposal for a regulation Recital 27 a (new)

*Text proposed by the Commission*

*Amendment*

***(27a) Airports should be called to implement key performance indicators to illustrate how groundhandling services perform, leading to greater efficiency and ultimately rapid and good quality service for passengers.***

## Amendment 3

### Proposal for a regulation Recital 27 b (new)

*Text proposed by the Commission*

*Amendment*

***(27b) Since one of the key objectives of groundhandling services in European airports is to improve the quality of handling for the benefit of the airline companies, this Regulation must especially help to improve the quality of baggage handling.***

#### **Amendment 4**

##### **Proposal for a regulation Recital 29**

*Text proposed by the Commission*

*Amendment*

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

(29) Subcontracting ***can increase*** flexibility for suppliers of groundhandling services. Nevertheless, subcontracting and cascade subcontracting may also result in capacity constraints and have negative effects on safety and security. Subcontracting should therefore be limited and the rules governing subcontracting should be clarified. ***Within the scope of this regulation, subcontracting should never result in a decrease of working conditions, safety and security.***

#### **Amendment 5**

##### **Proposal for a regulation Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

***(31a) Since disabled persons often experience problems in the handling of their remedies, this Regulation shall comply with the provisions of Regulation (EC) No. 1107/2006 concerning the right of disabled persons and persons with reduced mobility when travelling by air.***

## Amendment 6

### Proposal for a regulation Recital 31 b (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 7

### Proposal for a regulation Article 4 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

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

### *Justification*

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

## Amendment 8



## Proposal for a regulation

### Article 6 – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

However, Member States shall not limit this number to fewer than two suppliers for each category of groundhandling services, ***provided they are chosen on the basis of relevant, objective, transparent and non-discriminatory criteria.***

***For airports whose annual traffic has been not less than 5 million passengers or 100 000 tonnes of freight for at least the previous three years, the European Commission shall assess as to whether there are valid reasons to increase the number of ground-handling services suppliers to three, and - on this basis - shall make recommendations to the national supervisory authorities, which will decide as independent regulators to rule on whether European, national and regional specificities require such an increase of suppliers for each category of ground handling services, provided they are chosen on the basis of relevant, objective, transparent and non-discriminatory criteria.***

***By two years after the date referred to in the second paragraph of Article 46 the Commission shall evaluate the impact of this Regulation of the EU ground handling market, including a special assessment of the impact on the rights of workers. The Commission shall present its conclusions in a report to the European Parliament and to the Council. Where appropriate, that report shall be accompanied by a legislative proposal to amend this Regulation.***

#### Amendment 9

## Proposal for a regulation

### Article 6 – paragraph 4 – introductory part

*Text proposed by the Commission*

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

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

*Amendment*

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

- two suppliers of groundhandling services.

## Amendment 10

### Proposal for a regulation

#### Article 7 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

1. Suppliers authorised to provide ground-handling services at an airport where their number is limited under Article 6 or Article 14 shall be selected according to a transparent and non-discriminatory tender procedure, *open to all interested parties, in accordance with the provisions of Directive 2004/17/EC on procurement by entities operating in the water, energy, transport and postal services sectors. The contracting entity may divide these ground-handling services into separate lots and organise a separate tender procedure for each lot.*

## Amendment 11

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. After having **notified** the Commission, the Member State concerned may include among the tender specifications a public service obligation to be met by suppliers of ground-handling services in respect of airports serving peripheral or developing regions which are part of its territory, where suppliers are not willing to provide ground-handling services without public support (i.e. exclusive rights or compensation payments), but where such airports are of vital importance as regards accessibility for the Member State concerned. ***This provision is without prejudice to the EU State Aid rules.***

*Amendment*

4. After having **informed** the Commission, ***and subject to Union rules on State aid,*** the Member State concerned may include among the tender specifications a public service obligation to be met by suppliers of ground-handling services in respect of airports serving peripheral or developing regions which are part of its territory, where suppliers are not willing to provide ground-handling services without public support, (i.e. exclusive rights or compensation payments), but where such airports are of vital importance as regards accessibility for the Member State concerned.

**Amendment 12**

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

*Text proposed by the Commission*

*Amendment*

***6a. If a tender is not successful in finding a sufficient number of suppliers in accordance with Article 6, the tendering authority shall launch a new tender within 12 months from the end of the previous tender procedure. The tendering authority may, after consulting the Airport Users' Committee, extend this period up to a maximum of 36 months.***

**Amendment 13**

**Proposal for a regulation**  
**Article 9 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

(b) level of quality of operations as

(b) level of quality of operations as

assessed on the basis of a representative flight schedule including, where relevant, efficient use of staff and equipment, last acceptance of baggage and cargo, delivery times for baggage and cargo and maximum turnaround times;

assessed on the basis of a representative flight schedule including, where relevant, efficient use of staff and equipment, last acceptance of baggage and cargo, delivery times for baggage and cargo, ***ability to ensure secure and responsible handling of luggage and equipment and*** maximum turnaround times;

#### **Amendment 14**

##### **Proposal for a regulation**

##### **Article 9 – paragraph 3 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 15**

##### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ga) innovative performance.***

#### **Amendment 16**

##### **Proposal for a regulation**

##### **Article 9 – paragraph 3 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***(gb) provision of fair conditions for its employees, in particular with respect to remuneration and working conditions***

#### **Amendment 17**

**Proposal for a regulation**  
**Article 10 - paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. Suppliers of ground-handling services shall be authorised for a minimum period of seven years and a maximum period of ten years. The exact period for which the suppliers are authorised and the date to start operations shall be clearly indicated in the invitation to tender.

**Amendment 18**

**Proposal for a regulation**  
**Article 10 – paragraph 4**

*Text proposed by the Commission*

4. Where a supplier of ground-handling services ceases its activity before the end of the period for which it was authorised, the supplier shall be replaced on the basis of the selection procedure described in Articles 7, 8, 9 and this Article. Any supplier ceasing its activity shall inform the relevant tendering authority of its intention to cease activity sufficiently in advance and at least six months in advance before it leaves the airport. Financial penalties may be imposed on the supplier if it does not inform the tendering authority ***sufficiently*** in advance unless the supplier can demonstrate force majeure.

*Amendment*

4. Where a supplier of ground-handling services ceases its activity before the end of the period for which it was authorised, the supplier shall be replaced on the basis of the selection procedure described in Articles 7, 8, 9 and in this Article. Any supplier ceasing its activity shall inform the relevant tendering authority of its intention to cease activity at least six months in advance before it leaves the airport. Financial penalties may be imposed on the supplier if it does not inform the tendering authority ***at least six months*** in advance unless the supplier can demonstrate force majeure.

**Amendment 19**

**Proposal for a regulation**  
**Article 10 – paragraph 5 – second subparagraph**

*Text proposed by the Commission*

*Amendment*

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

*Justification*

*The proposed regulation of prices in the event of a temporary 'de facto' monopoly has no legal basis because the market is still considered as open. Prices between an operator and its client are a result of a commercial agreement with sensitive information which cannot be disclosed. Such a regulation cannot be imposed in a commercial market). This would lead to a distortion of competition vis-à-vis potential competitors.*

## **Amendment 20**

### **Proposal for a regulation Article 12 - paragraph 5**

*Text proposed by the Commission*

*Amendment*

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

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

*Justification*

*Harmonisation of social conditions within the Single Market is a key condition for avoiding discriminatory practices. The ground handling market is very volatile and operators may change at each new tender procedure. This leads to important uncertainty for staff, which could be submitted to the rules and social conditions of the new operator, or even laid off. It is therefore imperative to ensure a better continuity of staff working conditions.*

## **Amendment 21**

**Proposal for a regulation**  
**Article 12 – paragraph 7**

*Text proposed by the Commission*

7. Member States shall limit the requirement in paragraph (6) to the employees of the previous supplier who are involved in the provision of groundhandling services that the previous supplier stops providing, and who **voluntarily** accept to be taken on by the new supplier(s) or self-handling airport user.

*Amendment*

7. Member States shall limit the requirement in paragraph (6) to the employees of the previous supplier who are involved in the provision of groundhandling services that the previous supplier stops providing, and who **agree to** accept to be taken on by the new supplier(s) or self-handling airport user.

**Amendment 22**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 23**

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

*Text proposed by the Commission*

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

*Amendment*

***deleted***

*shall apply;*

## Amendment 24

### Proposal for a regulation

#### Article 15 – paragraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

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

## Amendment 25

### Proposal for a regulation

#### Article 16 – paragraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

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



approval.

*Justification*

*Such requirement is in line with the common statement adopted by three of the four Social partners (airports, Unions, independent handlers) in April 2011. It should be made clear, however, that it applies to any undertaking, including sub-contractors. Moreover, there is no justification to limit this requirement to bigger airports only.*

**Amendment 26**

**Proposal for a regulation  
Article 18 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. For the purposes of the assessment referred to in paragraph (1), each applicant shall submit its audited accounts for the two previous financial years. ***The approving authority shall lay down the format of the documentation to be submitted.***

*Justification*

*Due to the fact that there are very different cost accounting and accounting models in particular in the aviation sector, the approving authority should be allowed to lay down the format of the documentation to be submitted in order to facilitate comparability.*

**Amendment 27**

**Proposal for a regulation  
Article 21 – paragraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

(d) qualification requirements for personnel, corresponding training requirements and training plan, ***and procedures to prevent accidents and injuries.***

**Amendment 28**

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

*Text proposed by the Commission*

*Amendment*

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

**Amendment 29**

**Proposal for a regulation**  
**Article 27 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

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

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

*Justification*

*The proposed Regulation refers to the EU Airport Charges Directive 2009/12/EC. The requirements should therefore be in line with the principles and provisions of the Directive. Against this background, the role of the supervisory authority should be limited to verifying the justification of the decision and deciding on its validity.*

**Amendment 30**

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

*Text proposed by the Commission*

*Amendment*

***(ea) forecasts of the situation at the airport as regards the ground-handling fees, traffic growth and proposed***

*investments in infrastructure;*

## **Amendment 31**

### **Proposal for a regulation**

#### **Article 28 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Where the use of airport installations other than those defined as centralised infrastructure gives rise to the collection of a fee, the latter shall be determined according to relevant, objective, transparent and non-discriminatory criteria.***

***Member States remain free to allow the airport managing body of an airport network as defined in EU Directive 2009/12/EC to apply a common and transparent charging system.***

#### *Justification*

*As for determination of the fee, distinction must be maintained between the fees for the use of the airport installations levied by the airport authority under already established rules and the fees collected by the designated manager of centralized infrastructures providing operations in a monopolistic position and subject to specific requirements. The latter should be subject to the requirements of the EU Airport Charges Directive (2009/12/EC - EUACD). However, the proposed Regulation goes beyond the Directive by requiring in order on the return on assets. Therefore, the Regulation should be aligned with the wording of the EUACD.*

## **Amendment 32**

### **Proposal for a regulation**

#### **Article 28 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

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

7. If a decision on the levels of fees is brought before the independent supervisory authority in line with paragraph (6) of this Article, ***it shall not take effect until the independent supervisory authority has examined the matter. If the independent***

***supervisory authority agrees with the decision by the managing body of the infrastructure on the level of ground-handling fees then the fees may be recouped from the time the initial decision was made.***

*Justification*

*To avoid the situation where vexatious challenges are raised simply to postpone the application of a charge, it would be important that airport authorities should be allowed to recoup the money for the time elapsed when the appeal was being processed.*

**Amendment 33**

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

*Text proposed by the Commission*

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

*Amendment*

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

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

*Justification*

*Within the Single Europe Sky, the managing body of the airport is in charge of the coordination of all stakeholders at its premises. This does not include, however, a responsibility for the coordination of each ground handling activity or operations at its premises. For instance, it is not possible for the airport operator to verify if stairs or bridges have been put in place on time. Furthermore, the airport cannot interfere in the contractual relationship between the ground handlers and their clients. However, appropriate and proportionate enforcement measures should ensure the respect of the rules of conduct that everyone has to comply with on the airport premises.*

## Amendment 34

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 35

### Proposal for a regulation Article 30 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***5a. The provisions of this Article shall be without prejudice to EU competition rules.***

## Amendment 36

### Proposal for a regulation Article 31 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 37

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

*Text proposed by the Commission*

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

*Amendment*

2. At airports whose annual traffic has been not less than 5 million passenger movements or 100 000 tonnes of freight for at least the previous three years, the managing body of the airport or, where appropriate, the public authority or any other body which controls the airport shall set minimum quality standards for the performance of groundhandling services. ***Such standards must take into account and be consistent with the safety rules, arrangements and management systems of the airport operator and affected air operators as referred to in Regulation (EC) No 216/2008 of the European Parliament and Council.***

**Amendment 38**

**Proposal for a regulation**  
**Article 32 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. Suppliers of groundhandling services and self-handling airport users shall respect these minimum quality standards. ***The airport managing body may require that suppliers of groundhandling services and self-handling airport users establish and implement a safety management system commensurate with the size of the undertaking and the nature and complexity of the activities, is compatible with the management systems of the airport operator, and complies with any other safety requirements set down in national or Union law.*** In addition, airport users and suppliers of ground-handling services shall respect the minimum quality standards in their contractual relations.

### *Justification*

*The minimum quality standards reflect the common position adopted by three of the four social partners (airports, unions, independent handlers) in April 2011. However, the system does not provide for any workable solution to ensure its enforcement (except the disproportionate withdrawal of the approval for a ground handler by a Member State).*

### **Amendment 39**

#### **Proposal for a regulation**

#### **Article 32 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. If this does not ensure compliance with the minimum quality standards, the public authority or any other managing body of the airport shall be empowered to adopt measures to enforce the minimum quality standards. The adopted measures shall be fair, transparent, proportionate and non-discriminatory.***

### **Amendment 40**

#### **Proposal for a regulation**

#### **Article 32 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. If this does not ensure compliance the managing body shall be empowered to adopt measures to enforce the minimum quality standards. The measures shall be transparent, proportionate and non-discriminatory.***

### **Amendment 41**

#### **Proposal for a regulation**

#### **Article 32 a (new)**

*Text proposed by the Commission*

*Amendment*

***Minimum quality standards defined by***

*managing bodies of the airport shall consist of:*

*(1) Operational performance minimum quality standards:*

*(a) Passenger handling*

*- Maximum check-in queue time*

*(b) Baggage handling*

*- Maximum delivery times for baggage items (1st baggage and last baggage)*

*- Maximum delivery time for transferred baggage*

*- Secure and responsible handling of luggage and equipment*

*(c) Freight and mail handling*

*- Maximum delivery times for freight and/or mail items*

*- Maximum delivery time for transferred freight and/or mail items*

*(d) Snow operations*

*- maximum time for de-icing aircraft*

*- minimum de-icing liquids stocks*

*(e) Turnaround performance to schedule (delays)*

*(f) Absence of FODs on the stands*

*(2) Training minimum quality standards*

*- Up-to-date training participation at the airport's training on airside procedures, safety, security, crisis management, environmental protection*

*(3) Minimum quality standards about information and assistance to passengers:*

*(a) Transmission of real time information on baggage delivery times to be displayed by the airport*

*(b) Transmission of real time information on passengers affected by delayed and cancelled flights*

*(4) CDM minimum quality standards:*



- *Participation to the airport's CDM system*
- (5) *Safety minimum quality standards*
  - (a) *Safety Management System (SMS) in place and obligation to coordinate it with the airport's SMS*
  - (b) *Report of accidents and incidents*
- (6) *Security minimum quality standards*
  - *Security management system in place*
- (7) *Contingency plan minimum quality standards*
  - *Contingency plan (including snow plan) in place and obligation to coordinate it with the airport's plan*
- (8) *Environment*
  - *Reporting of environment incidents (spillages)*
  - *Ramp vehicles emissions*

## **Amendment 42**

### **Proposal for a regulation Article 32 b (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Set-up and update of minimum quality standards***

- 1. For each minimum quality standards, the airport managing body shall define the level and kind of performance expected at its airport. The Airport User's Committee shall be consulted on the exact definition, coverage and way of measuring assessment of minimum quality standards. All suppliers and self-handling airport users shall be trained prior to the implementation of the minimum quality standards measurement.***
- 2. All minimum quality standards (and their quantitative targets if relevant) shall be public.***

- 3. Before updating or amending minimum quality standards, the managing body of the airport shall consult the Airport User's Committee and the ground handling suppliers at the airport.*
- 4. The airport managing body shall report to the Airport User's Committee about the compliance of ground handling suppliers and self-handling airport users to these standards."*

## **Amendment 43**

### **Proposal for a regulation Article 33 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

*Justification*

*The multiplication of reports leads to an increased administrative burden for all ground handlers and self-handling users with no real added value.*

## **Amendment 44**

### **Proposal for a regulation Article 33 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

### *Justification*

*The multiplication of reports leads to an increased administrative burden for all ground-handlers and self-handling users with no real added value.*

#### **Amendment 45**

##### **Proposal for a regulation**

##### **Article 35 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Any supplier of groundhandling services and self-handling airport user using one or more subcontractors shall remain financially liable for the subcontracting.***

#### **Amendment 46**

##### **Proposal for a regulation**

##### **Annex 1 – point 2**

*Text proposed by the Commission*

*Amendment*

2. Passenger handling comprises any kind of information and assistance -including those provided in the framework of the relevant EU legislation on passenger rights- to arriving, departing, transfer or transit passengers, including checking tickets and travel documents, registering baggage and carrying it to the sorting area.

2. Passenger handling comprises any kind of information and assistance -including those provided in the framework of the relevant EU legislation on passenger rights- to arriving, departing, transfer or transit passengers, including checking tickets and travel documents, registering baggage, ***establishing that the baggage belongs to the passenger concerned, for example by means of electronic verification,*** and carrying it to the sorting area.

## PROCEDURE

<b>Title</b>	Groundhandling services at Union airports and repeal of Council Directive 96/67/EC	
<b>References</b>	COM(2011)0824 – C7-0457/2011 – 2011/0397(COD)	
<b>Committee responsible</b> Date announced in plenary	TRAN 15.12.2011	
<b>Opinion by</b> Date announced in plenary	IMCO 15.12.2011	
<b>Rapporteur</b> Date appointed	Ildikó Gáll-Pelcz 29.2.2012	
<b>Discussed in committee</b>	7.6.2012	9.7.2012
<b>Date adopted</b>	10.7.2012	
<b>Result of final vote</b>	+: 36 -: 0 0: 0	
<b>Members present for the final vote</b>	Pablo Arias Echeverría, Cristian Silviu Buşoi, Sergio Gaetano Cofferati, Birgit Collin-Langen, Lara Comi, Anna Maria Corazza Bildt, António Fernando Correia de Campos, Cornelis de Jong, Vicente Miguel Garcés Ramón, Evelynne Gebhardt, Louis Grech, Małgorzata Handzlik, Malcolm Harbour, Philippe Juvin, Sandra Kalniete, Edvard Kožušník, Hans-Peter Mayer, Sirpa Pietikäinen, Phil Prendergast, Mitro Repo, Robert Rochefort, Heide Rühle, Christel Schaldemose, Andreas Schwab, Catherine Stihler, Róza Gräfin von Thun und Hohenstein, Emilie Turunen, Barbara Weiler	
<b>Substitute(s) present for the final vote</b>	Raffaele Baldassarre, Jürgen Creutzmann, Ashley Fox, Marielle Gallo, Ildikó Gáll-Pelcz, María Irigoyen Pérez, Olle Schmidt, Sabine Verheyen	

## PROCEDURE

<b>Title</b>	Groundhandling services at Union airports and repeal of Council Directive 96/67/EC		
<b>References</b>	COM(2011)0824 – C7-0457/2011 – 2011/0397(COD)		
<b>Date submitted to Parliament</b>	1.12.2011		
<b>Committee responsible</b> Date announced in plenary	TRAN 15.12.2011		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	EMPL 15.12.2011	ENVI 15.12.2011	IMCO 15.12.2011
<b>Not delivering opinions</b> Date of decision	ENVI 20.12.2011		
<b>Associated committee(s)</b> Date announced in plenary	EMPL 24.5.2012		
<b>Rapporteur(s)</b> Date appointed	Artur Zasada 19.12.2011		
<b>Discussed in committee</b>	8.5.2012	18.9.2012	5.11.2012
<b>Date adopted</b>	6.11.2012		
<b>Result of final vote</b>	+: 22 -: 20 0: 2		
<b>Members present for the final vote</b>	Magdi Cristiano Allam, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Philip Bradbourn, Antonio Cancian, Michael Cramer, Joseph Cuscheri, Philippe De Backer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Jaromír Kohlíček, Georgios Koumoutsakos, Werner Kuhn, Jörg Leichtfried, Eva Lichtenberger, Marian-Jean Marinescu, Hubert Pirker, David-Maria Sassoli, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Giommaria Uggias, Peter van Dalen, Dominique Vlasto, Artur Zasada		
<b>Substitute(s) present for the final vote</b>	Phil Bennion, Michael Gahler, Bogdan Kazimierz Marcinkiewicz, Anna Rosbach, Sabine Wils, Janusz Władysław Zemke		
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Peter Simon, Patricia van der Kammen		
<b>Date tabled</b>	9.11.2012		