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*Committee on Employment and Social Affairs*

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**2011/0397(COD)**

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

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## 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 increased.<sup>3</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>4</sup> Staff expenditure accounts for some 75% of groundhandling production costs. According to the Commission, airlines' costs have been significantly reduced.<sup>5</sup> The cost linked to groundhandling services for them represents 5 to 12% of operating costs.<sup>6</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

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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.

<sup>3</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>4</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>5</sup> EU Commission report of 24 January 2007 on groundhandling.

<sup>6</sup> Proposal for a regulation COM (2011) 824, Explanatory Memorandum, p. 2.

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.

### **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 Óry, 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			