

Opinion of the Committee of the Regions on the 'Airport package'

(2012/C 277/11)

THE COMMITTEE OF THE REGIONS

- welcomes the goal of creating the necessary conditions for more efficient use of existing infrastructure but believes that further steps must be taken to fully meet growing demand for capacity. In particular, it is important to expand capacity at overloaded airports, take greater account of the free capacity of regional airports, expedite the creation of a single European air space, and secure competitive operating hours – including night-time hours;
- calls for an improvement of inter-modal connections between airports and other modes of transport. This will boost competitiveness and guarantee that regions are sufficiently linked to the European and global aviation network;
- agrees that in line with the Balanced Approach, the most cost-efficient measure should be chosen in order to achieve noise abatement objectives but considers that the proposed right of scrutiny for the Commission exceeds its powers according to the principle of subsidiarity. Operating restrictions must be imposed by regional authorities with due regard to the local situation and to local specifics. An additional right of scrutiny for the Commission is neither necessary nor proportionate;
- welcomes the further opening and standardisation of access to the groundhandling services market. This will lead to more competition and ultimately to an even higher quality of groundhandling services offered at EU airports. In order to prevent an unfavourable impact on existing employment conditions, air safety and airport capacity, there should however be provision for taking appropriate account of local conditions at airports;
- welcomes the Commission's proposal to introduce market-based instruments for achieving optimal use of scarce capacity at busy airports but stresses that the regions' connection to the air transport network must continue to be guaranteed.

Rapporteur	Mr WERNER (DE/ALDE), State Secretary in the Saxon State Ministry for Economic Affairs, Labour and Transport
Reference documents	<p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions</p> <p>Airport policy in the European Union – addressing capacity and quality to promote growth, connectivity and sustainable mobility</p> <p>COM(2011) 823 final</p> <p>Proposal for a Regulation of the European Parliament and of the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC</p> <p>COM(2011) 828 final</p> <p>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</p> <p>COM(2011) 824 final</p> <p>Proposal for a Regulation of the European Parliament and of the Council on common rules for the allocation of slots at European Union airports (recast)</p> <p>COM(2011) 827 final</p>

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments (on COM(2011) 823 final)

1. shares the view that airports are an indispensable part of a modern and efficient transport network. They make an important contribution to economic development, employment and tourism in individual regions, while also strengthening the territorial cohesion of the European Union;

2. shares the view that noise from aircraft is a nuisance for a growing number of European citizens, especially at night, and that an active noise management strategy is therefore necessary to mitigate the undesired effects;

3. supports the Commission's goal of making best possible use of and boosting the potential of air traffic, and in particular its predicted growth;

4. stresses that the EU could promote investment in modernising the airport network and constructing new airports primarily through the use of innovative financial instruments, so as to achieve sustained economic growth in the EU and improve economic links to the rest of the world;

5. shares the view that there is an increasing imbalance between airport capacity and the ever growing demand from tourism and need for transport. Some European airports are already overloaded or are operating at the limits of their

capacity. Additional capacity – especially in major hubs – cannot always be made available in line with demand. It can therefore be expected that bottlenecks in capacity will become even more serious in the coming years;

6. welcomes the goal of tackling the increasing number of bottlenecks and of creating the necessary conditions for more efficient use of existing infrastructure. However, the Committee warns that the measures proposed in the Airport Package will not be enough to achieve this;

7. notes that there is sufficient capacity in many regional airports to provide effective relief to airports that suffer capacity bottlenecks, and that regional connections can thereby be improved;

8. believes that further steps must be taken to fully meet growing demand for capacity. In particular, it is important to expand capacity at overloaded airports, take greater account of the free capacity of regional airports, expedite the creation of a single European air space, and secure competitive operating hours – including night-time hours. Small regional airports must also receive meaningful support in order to complement the major airports and make optimum use of existing infrastructure;

9. refers to the need to improve inter-modal connections between airports and other modes of transport. This will boost competitiveness and guarantee that regions are sufficiently linked to the European and global aviation network;

10. feels that more efficient allocation of slots is a suitable way of achieving optimal use of scarce capacity at busy airports. The Committee welcomes the Commission's proposal to introduce market-based instruments for this purpose, although the regions' connection to the air transport network must continue to be guaranteed;

11. approves of the proposal to revise the rules and procedures governing the introduction of noise-related operating restrictions. The goal of standardising the way the Balanced Approach is applied should enhance protection of people affected by aircraft noise in line with Directive 2002/49/EC of 25 June 2002 relating to the assessment and management of environmental noise;

12. welcomes the goal of further liberalising the market for groundhandling services. This will lead to more competition and ultimately to an even higher quality of service. In order to prevent an unfavourable impact on existing employment conditions, air safety and airport capacity, there should be provision for taking appropriate account of local conditions at airports. It must also be ensured that the regulation does not lead to any unequal treatment of service providers. The Commission's goal of avoiding distortions of competition can only be achieved when the same conditions apply to all parties involved;

13. is concerned by the proposals of the Commission, and the even further-reaching proposals of the Council's 'General Approach', to regulate ground handling infrastructure fees in line with and beyond the provisions of the Airport Charges Directive (Directive 2009/12/EC). Such fees typically comprise a very small percentage of overall airport revenues, particularly at regional airports which are just over the new proposed two million passenger per annum threshold, and constitute small sums in absolute terms also. The administrative costs may well outweigh any potential benefits, given that airports are already obliged to set out such fees in an objective and transparent manner;

14. stresses the importance of General Aviation to air transport in the EU. It allows the entrepreneurs who create wealth and employment to travel with maximum flexibility and increases the economic power of the peripheral and outermost regions. This is particularly important when considering the issue of slots and accessibility to airports;

Noise-related operating restrictions (in relation to COM(2011) 828 final)

15. welcomes the goal of further specifying the procedures and rules governing the introduction of noise-related operating restrictions, and of making the assessment process more transparent. This will counter the Directive's inconsistent application in the Member States, and will also afford a comparable level of protection to people affected by aircraft noise. However, the Committee observes that the draft regulation is not yet aligned with Directive 2002/49/EC relating to the assessment

and management of environmental noise, especially in terms of the noise assessment and analysis of cost-effectiveness, and would therefore create a heavy administrative burden and in turn significant costs, and undermine public acceptance of air traffic;

16. expects that turning the existing Directive into a regulation will boost the efficacy of noise-related measures and help to avoid distortions of competition in the European Union;

17. agrees with the Commission's view that in line with the Balanced Approach, the most cost-efficient measure should be chosen in order to achieve noise abatement objectives. However, the health and safety of local residents living in the surroundings of the airport should also be taken into consideration to the greatest possible extent, and not merely on an optional basis. This will enable Member States to reconcile the economic impact of noise abatement measures with the legitimate need for protection of people affected by air traffic noise;

18. approves in principle of the goal of raising the limit value for marginally compliant aircraft. This will make it possible to take into account technological advances in the development of light aircraft. However, the Committee points out that freight aircraft are less likely than passenger aircraft to comply with the stringent 10 EPNdB (Effective Perceived Noise in Decibels) limit. As a result, any ban on marginally compliant aircraft would affect airfreight carriers disproportionately. The Committee therefore recommends that the limit be raised by a smaller amount within an appropriate transition phase. Lifting the limit to 8 EPNdB would be enough to achieve a considerable reduction in aircraft noise;

19. considers that an independent appeal body is needed at Member State level;

20. welcomes the application of the Balanced Approach to reduce and limit the degree to which people are affected by air traffic noise. This will afford Member States the necessary flexibility in managing noise. At the same time, the Committee shares the Commission's view that operating restrictions should be a measure of last resort;

21. supports the goal of further specifying the rules for assessing aircraft noise and of making the assessment process more transparent. The planned consultation with people affected by aircraft noise will lead to greater acceptance of noise abatement measures that are implemented. However, the Committee recommends that Member States be given adequate room for manoeuvre when it comes to the composition of the 'forums for technical cooperation' provided for in the draft regulation. To the extent that similar bodies are already established in the Member States, it should be possible to recognise them rather than create additional bodies;

22. believes that the noise assessment method based on the ECAC Report Doc 29 'Report on Standard Method of Computing Noise Contours around Civil Airports', which is mentioned in Annex I of the draft regulation, is unsuited to making noise assessment procedures more transparent. An additional assessment method will lead to a loss of comparability with the Environmental Noise Directive or with national calculation rules, for example, and create unnecessary red tape. Noise assessment should therefore be based on the Environmental Noise Directive (2002/49/EC);

23. considers that the proposed right of scrutiny for the Commission, whereby it can review operating restrictions before their introduction and if necessary remove them, exceeds the powers of the Commission according to the principle of subsidiarity. Operating restrictions must be imposed by regional authorities with due regard to the local situation and to local specifics. An additional right of scrutiny for the Commission is neither necessary nor proportionate. Moreover, under no circumstances will it help to achieve the regulation's goal of reducing the number of people affected by aircraft noise;

24. considers the definition of 'aircraft' and 'marginally compliant aircraft', the updating of the noise certification standards and of the certification procedure, and the amendments to the method and technical report, to be essential elements of the regulation. In this respect, these points are not appropriate for delegating to the Commission the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union;

Groundhandling services (in relation to COM(2011) 824 final)

25. shares the Commission's view that groundhandling services play a key role in the aviation chain. Efficient and high-quality groundhandling services make an essential contribution to securing an efficient and competitive aviation system;

26. welcomes the further opening and standardisation of access to the groundhandling services market. This can be expected to further raise the quality of groundhandling services offered at EU airports. This will benefit airlines, freight forwarders and passengers in equal measure. In order to prevent an unfavourable impact on existing employment conditions, air safety and airport capacity, there should be provision for taking appropriate account of local conditions at airports;

27. is in favour of regulating the transfer of staff between service providers. In this connection, calls on the Commission to explore whether Article 4(5) of Regulation (EC) No. 1370/2007 already provides contracting authorities with the possibility to transfer staff, as determined by the Member States, without the need for additional transposing measures by the Member States, and whether parameters could be specified for the transfer of staff;

28. notes that not all the rules governing the authorisation procedure are yet fit for purpose. In particular, there is room for

improvement in the timing of steps in the procedure, in terms of a special regulation abolishing the unworkable suspensive effect of appeals, in terms of responsibility for carrying out the authorisation procedure, and in the award criteria;

29. shares the Commission's view that airports should have a determining role in coordinating groundhandling service providers. However, the Committee notes that airports can only perform this role when the necessary legal framework in the Member States is in place. These tasks also entail additional costs, which it will be difficult for airports to meet via the market;

30. stresses that the further opening of the market must not have a detrimental effect on aviation security. In order to maintain the high level of security at Union airports, staff need to be adequately trained;

31. feels that it is important that the duration of training be set at a level that guarantees the quality of groundhandling services. Given that the approval granted to groundhandling services is to be recognised in all Member States, the Committee recommends that the training be designed in a way that creates comparable qualifications, whilst also taking into account cost-efficiency and encouragement of employment;

32. notes that subcontracting is reserved for third-party providers. Airport operators and users are not to be allowed this possibility. The Committee takes the view that this is discriminatory in a way that distorts competition, and that it contradicts the draft regulation's objective of strengthening competition. Subcontracting should be allowed for all groundhandling service providers, according to precise rules;

Slots (in relation to COM(2011) 827 final)

33. believes that revising the regulation will make a vital contribution to the more efficient use of scarce infrastructure capacity. In view of the predicted growth in air traffic and the fact that airport infrastructure is not expanding at a comparable rate, airlines face increasing limitations on their ability to meet demand for transport services. This is a barrier to the economic development of aviation and, therefore, of regions;

34. believes that, in instances where the independent supervisory authority has been asked to decide on the level of fees being charged for use of centralised infrastructure, the managing body of the centralised infrastructure should be entitled to recover from users at the level initially proposed, until such time as the independent supervisory authority issued its final decision. This would reduce an incentive to raise vexatious challenges to fee level decisions;

35. welcomes in principle the introduction of market instruments for allocating slots. This will ensure that slots are allocated to the airlines that can make best use of them. The regions' connection to the air transport network must continue to be guaranteed;

36. notes that not all of the consequences of trading slots have been outlined. In particular, the Commission fails to mention how trading slots will affect regional airports and therefore regional connectivity;

37. considers it possible that airlines will make the slots they own at overloaded hubs available for long-distance traffic first and foremost. This would weaken the link between regional airports and hubs. Therefore, the Committee calls for appropriate measures to ensure that regions are connected to the worldwide aviation network;

38. is pleased with the intention to strengthen the independence of airport coordinators. The draft regulation will make it possible in future for airlines to transfer their slots, including for monetary compensation. Such transfers will require the approval and confirmation of the airport coordinator. That is why the Committee considers it all the more important that the airport coordinator be able to make independent and objective decisions;

39. takes the view that allocating slots free of charge only to have them subsequently sold would be pointless. In particular, airlines should only be given approval to trade slots when they can show that the slots have been regularly used beforehand;

40. feels that the change to the rule on minimum use of slots is reasonable. This measure will increase pressure to fully utilise slots that have been obtained. At the same time, it must

be possible to allow for exceptional occurrences (such as strikes or volcanic ash). It can be expected that in future more slots will be returned to the slot pool or sold to another airline. This will facilitate market entry for other airlines at overloaded airports;

41. welcomes the possibility created by the charging system for airports to influence the return of unneeded or reserved slots at as early a stage as possible. This will ensure that slots are not blocked and can be used by other airlines;

42. recognises the importance of the provision for 'local rules' to ensure that the regulatory framework allows sufficient flexibility in those regions and their airports, where specific circumstances warrant due regard. In such circumstances regional input is necessary to ensure an optimal and efficient use of capacity at individual airports;

43. considers that the proposed right of the European Commission to designate individual 'network airports', whereby it can require Member States to treat individual airports distinctly and separately, exceeds its powers according to the principle of subsidiarity.

44. is concerned by the European Commission's introduction of the 'Network Manager' concept, and in particular by the proposed allocation of significant and far reaching powers to this entity, in the absence of a clear definition of the entity's governance;

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Noise-related operating restrictions (in relation to COM(2011) 828 final)

Article 2

Text proposed by the Commission	CoR amendment
(4) 'Marginally compliant aircraft' means civil aircraft that meet the Chapter 3 certification limits laid down in Volume 1, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation (Chicago Convention) by a cumulative margin of less than 10EPNdB (Effective Perceived Noise in decibels), whereby the cumulative margin is the figure expressed in EPNdB obtained by adding the individual margins (i.e. the differences between the certificated noise level and the maximum permitted noise level) at each of the three reference noise measurement points as defined in Volume 1, Part II, Chapter 4 of Annex 16 to the Chicago Convention;	(4) 'Marginally compliant aircraft' means civil aircraft that meet the Chapter 3 certification limits laid down in Volume 1, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation (Chicago Convention) by a cumulative margin of less than 40 <u>8</u> EPNdB (Effective Perceived Noise in decibels) <u>during a transition phase of four years, and thereafter by a cumulative margin of less than 10 EPNdB</u> , whereby the cumulative margin is the figure expressed in EPNdB obtained by adding the individual margins (i.e. the differences between the certificated noise level and the maximum permitted noise level) at each of the three reference noise measurement points as defined in Volume 1, Part II, Chapter 4 of Annex 16 to the Chicago Convention;

Reason

- 1) Freight aircraft are less likely than passenger aircraft to comply with the 10 EPNdB limit proposed in the draft regulation. As a result, any ban on marginally compliant aircraft would affect airfreight carriers disproportionately.
- 2) An appropriate transition phase will give airlines an opportunity to plan and carry out any necessary upgrades to their fleet in line with business conditions.

Amendment 2*Noise-related operating restrictions (in relation to COM(2011) 828 final)*

Article 10

Text proposed by the Commission	CoR amendment
Right of scrutiny	Right of scrutiny
<p>1. At the request of a Member State or on its own initiative, and without prejudice to a pending appeal procedure, the Commission may scrutinise the decision on an operating restriction, prior to its implementation. Where the Commission finds that the decision does not respect the requirements set out in this Regulation, or is otherwise contrary to Union law, it may suspend the decision.</p> <p>2. The competent authorities shall provide the Commission with information demonstrating compliance with this Regulation.</p> <p>3. The Commission shall decide in accordance with the advisory procedure laid down in Article 13(2), in particular taking into account the criteria in Annex II, whether the competent authority concerned may proceed with the introduction of the operating restriction. The Commission shall communicate its decision to the Council and the Member State concerned.</p> <p>4. Where the Commission has not adopted a decision within a period of six months after it has received the information referred to in paragraph 2, the competent authority may apply the envisaged decision on an operating restriction.</p>	<p>1. At the request of a Member State or on its own initiative, and without prejudice to a pending appeal procedure, the Commission may scrutinise the decision on an operating restriction, prior to its implementation. Where the Commission finds that the decision does not respect the requirements set out in this Regulation, or is otherwise contrary to Union law, it may suspend the decision.</p> <p>2. The competent authorities shall provide the Commission with information demonstrating compliance with this Regulation.</p> <p>3. The Commission shall decide in accordance with the advisory procedure laid down in Article 13(2), in particular taking into account the criteria in Annex II, whether the competent authority concerned may proceed with the introduction of the operating restriction. The Commission shall communicate its decision to the Council and the Member State concerned.</p> <p>4. Where the Commission has not adopted a decision within a period of six months after it has received the information referred to in paragraph 2, the competent authority may apply the envisaged decision on an operating restriction.</p>

Reason

- 1) Operating restrictions should only be imposed by the Member States, as is presently the case. The Council has already expressed an opinion on this matter and deleted the relevant article from the Commission's proposal. The deletion above is also consistent with point 23 of this opinion.
- 2) As currently worded, Article 10 could call regional mediation agreements into question. These agreements between airports, the relevant region and citizens are often reached after years of difficult and exhausting negotiations. The German Bundesrat, Austrian Bundesrat, French Senate and Dutch First Chamber concluded that the Commission's right of scrutiny under Article 10 is in breach of the European Union's principle of subsidiarity.

Amendment 3*Noise-related operating restrictions (in relation to COM(2011) 828 final)*

Article 11

Text proposed by the Commission	CoR amendment
The Commission shall be empowered to adopt delegated acts in accordance with Article 12 concerning:	The Commission shall be empowered to adopt delegated acts in accordance with Article 12 concerning:
(a) amendments of the definitions of aircraft in Article 2 point (3) and of marginally compliant aircraft in Article 2 point (4);	(a) amendments of the definitions of aircraft in Article 2 point (3) and of marginally compliant aircraft in Article 2 point (4);

Text proposed by the Commission	CoR amendment
(b) amendments and updates of the noise certification standards provided for in Articles 4 and 8; and of the certification procedure provided for in Article 6(1).	(b) amendments and updates of the noise certification standards provided for in Articles 4 and 8; and of the certification procedure provided for in Article 6(1).
(c) amendments to the method and technical report set out in Annex I.	(c) amendments to the method and technical report set out in Annex I.

Reason

The definition of 'aircraft' and 'marginally compliant aircraft', the updating of the noise certification standards and of the certification procedure, and the amendments to the method and technical report are essential elements of the regulation. In this respect, these points are not appropriate for delegating to the Commission the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Amendment 4

Noise-related operating restrictions (in relation to COM(2011) 828 final)

Article 12

Text proposed by the Commission	CoR amendment
1. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in this Article.	1. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 11 shall be conferred for an indeterminate period of time from the date of entry into force of this Regulation.	2. The delegation of power referred to in Article 11 shall be conferred for an indeterminate period of time from the date of entry into force of this Regulation.
3. The delegation of power referred to in Article 11 may be revoked by the European Parliament or by the Council. The revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 11 may be revoked by the European Parliament or by the Council. The revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.	5. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Reason

Amendments 3 and 4 are directly linked. The proposed deletion of Article 11 requires that Article 12 also be deleted.

Amendment 5*Groundhandling services (in relation to COM(2011) 824 final)*

Article 13

Text proposed by the Commission	CoR amendment
<p><i>Article 13</i></p> <p>Island airports</p> <p>For the selection of suppliers of groundhandling services at an airport as provided for in Articles 7 to 10, a Member State may extend a public service obligation to other airports in that Member State provided that:</p> <p>(a) those airports are located on islands in the same geographical region; and</p> <p>(b) such airports each have a traffic volume of no less than 100 000 passenger movements per year;</p> <p>(c) and such an extension is approved by the Commission.</p> <p>The decision on approving the extension constitutes an implementing act which shall be adopted in accordance with the advisory procedure referred to in Article 43 (2). This provision is without prejudice to the EU State Aid rules.</p>	<p><i>Article 13</i></p> <p>Island airports</p> <p>For the selection of suppliers of groundhandling services at an airport as provided for in Articles 7 to 10, a Member State may extend a public service obligation to other airports in that Member State provided that:</p> <p>(a) those airports are located on islands in the same geographical region; and</p> <p>(b) such airports each have a traffic volume of no less than 100 000 passenger movements per year;</p> <p>(c) and such an extension is approved by the Commission.</p> <p><u>In the case of island airports, when there is no financial interest on the part of businesses or air carriers in providing the services stipulated in Article 6(2), the managers of the airport may themselves assume the obligation of providing these key services in order to ensure that infrastructure operates effectively.</u></p> <p>The decision on approving the extension constitutes an implementing act which shall be adopted in accordance with the advisory procedure referred to in Article 43 (2). This provision is without prejudice to the EU State Aid rules.</p>

Reason

Article 13 of the proposed regulation, which refers to the possibility of extending PSOs to island airports, should state that, in the case of island airports, airport managers are obliged to provide the services stipulated in Article 6(2) of the proposal (i.e. baggage handling, ramp handling, fuel and oil handling and freight and mail handling). It would also be a good idea to point out that when the operation of those services is not financially viable and thus no business is interested in providing them, and not even the air carriers are interested in providing the services themselves through self-handling, then the airport manager should assume the obligation of providing them given the key role of such infrastructure not only in ensuring that the island (which has no comparable alternative) is accessible and connected to the outside, but also in providing basic public services such as emergency health care, fire-fighting, surveillance and sea rescues, as well as other services carried out from airports using helicopters and which otherwise could not be provided (without the supply of fuel, for example).

Amendment 6*Groundhandling services (in relation to COM(2011) 824 final)*

Article 28(6)

Text proposed by the Commission	CoR amendment
<p>Where the Airport Users' Committee disagrees with a fee set by the managing body of the airport or, where relevant, the managing body of the centralised infrastructure, it may ask the independent supervisory authority of the Member State concerned to decide on the level of the fee.</p>	<p>Where the Airport Users' Committee disagrees with a fee <u>for centralised infrastructure</u> set by the managing body of the airport or, where relevant, the managing body of the centralised infrastructure, it may ask the independent supervisory authority of the Member State concerned to <u>decide examine the justification for the decision on the level of the fee.</u></p>

Reason

This proposal essentially introduces a detailed appeal procedure in the event of disagreement on fees which could result in significant costs – both in financial terms and in management time. For some airports whose groundhandling revenues amount to less than 1 % of total this is a disproportionate approach.

Amendment 7

Groundhandling services (in relation to COM(2011) 824 final)

Article 28 – new 8

Text proposed by the Commission	CoR amendment
	<p><u>Art 28 - Fees for centralised infrastructures and installations (new 8)</u></p> <p><u>In instances where an independent supervisory authority has been asked to decide on the level of the groundhandling fee in line with paragraph (6) of this Article, the managing body of the infrastructure shall remain entitled to recover the charge for use of the infrastructure in question at the level initially proposed, until such time as the independent supervisory authority has issued its final decision. Should the independent supervisory authority determine that the level of charges under dispute was excessive, the managing body of the infrastructure shall return any excess recovery to users of that piece of infrastructure.</u></p>

Reason

To avoid the situation where vexatious challenges are raised simply to postpone the application of a charge pending resolution of any disagreement on the part of users, it would be important that airport authorities be able to recover the charge at the level initially proposed, from the time at which it was set. This is an important issue for regional airports who often have limited income from non-aeronautical services, particularly if they are dominated by carriers that impose a 'one bag' rule. This would be a revenue-neutral method of incentivising industry cooperation, similar to the charging system for airports to influence the return of unneeded or unreserved slots.

Amendment 8

Groundhandling services (in relation to COM(2011) 824 final)

Article 32 (3)

Text proposed by the Commission	CoR amendment
<p>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.</p>	<p>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.</p> <p><u>The airport operator shall be empowered to enforce the minimum quality standards. The adopted measures shall be transparent, proportionate and non-discriminatory.</u></p>

Reason

Given the importance of groundhandling for the smooth functioning of airports, appropriate and proportionate enforcement measures are required to ensure minimum standards are respected.

Amendment 9*Groundhandling services (in relation to COM(2011) 824 final)*

Article 35

Text proposed by the Commission	CoR amendment
1. Without prejudice to paragraphs 2, 3 and 4, suppliers of groundhandling services may engage in subcontracting.	1. Without prejudice to paragraphs (2), (3) and (4) , suppliers of groundhandling services <u>and self-handling airport users</u> may engage in subcontracting.
2. Self-handling airport users may subcontract groundhandling services only if they are temporarily unable to perform self-handling due to force majeure.	2. Self-handling airport users may subcontract groundhandling services only if they are temporarily unable to perform self-handling due to force majeure.
3. Subcontractors may not subcontract groundhandling services.	3.2. Subcontractors may not subcontract groundhandling services.
4. A supplier of groundhandling services as referred to in Article 11 (1) may not subcontract groundhandling services except if it is temporarily unable to provide these groundhandling services due to force majeure.	4. A supplier of groundhandling services as referred to in Article 11 (1) may not subcontract groundhandling services except if it is temporarily unable to provide these groundhandling services due to force majeure.
5. Any supplier of groundhandling services and self-handling airport user using one or more subcontractors shall ensure that the subcontractors comply with the obligations on suppliers of groundhandling services under this Regulation.	5.3. Any supplier of groundhandling services and self-handling airport user using one or more subcontractors shall ensure that the subcontractors comply with the obligations on suppliers of groundhandling services under this Regulation.
6. Any supplier of groundhandling services and self-handling airport user using one or more subcontractors shall inform the managing body of the airport of the name and activities of the subcontractors concerned.	4. <u>It shall only be possible to subcontract to companies that have demonstrated that they are qualified and reliable.</u>
7. Where a supplier of groundhandling services applies for an authorisation to provide groundhandling services under the selection procedure laid down in Article 7, it shall indicate the number, activities and names of the subcontractors it intends to use.	5. <u>The contracting entity shall be able to restrict the number of subcontractors when this is required on the grounds of space or capacity.</u>
6. Any supplier of groundhandling services and self-handling airport user using one or more subcontractors shall inform the managing body of the airport of the name and activities of the subcontractors concerned.	6. Any supplier of groundhandling services and self-handling airport user using one or more subcontractors shall inform the managing body of the airport of the name and activities of the subcontractors concerned.
7. Where a supplier of groundhandling services applies for an authorisation to provide groundhandling services under the selection procedure laid down in Article 7, it shall indicate the number, activities and names of the subcontractors it intends to use.	7. Where a supplier of groundhandling services applies for an authorisation to provide groundhandling services under the selection procedure laid down in Article 7, it shall indicate the number, activities and names of the subcontractors it intends to use.

Reason

- 1) The prohibition on subcontracting for airports and airport users discriminates vis-à-vis other suppliers of groundhandling services and distorts competition. This contradicts the draft regulation's objective of strengthening competition.
- 2) Requirements in terms of service quality and reliability are to be met by all subcontractors in equal measure, just as they are to be met by the contracting entities. Moreover, airports should be allowed to restrict the number of subcontractors when space is limited.

Amendment 10*Allocation of slots (in relation to COM(2011) 827 final)*

Article 3 (3) (ii)

Text proposed by the Commission	CoR amendment
upon request from the Commission, in particular where new entrants encounter serious problems in securing landing and takeoff possibilities at the airport in question, or when the network manager considers it necessary to ensure that the airport's operational plan is consistent with the network's operational plan, in accordance with Article 6(7) of Commission Regulation (EU) No 677/20111.	upon request from the Commission, in particular where new entrants encounter serious problems in securing landing and takeoff possibilities at the airport in question, or when the network manager considers it necessary to ensure that the airport network's operational plan is consistent with the network airport's operational plan, in accordance with Article 6(7) of Commission Regulation (EU) No 677/20111.

Reason

The role of the Network Manager should be one of coordination at the Network level, rather than giving directions at local level. Each airport is responsible for its own Airport Operations Plan - not the Network Manager.

Amendment 11*Allocation of slots (in relation to COM(2011) 827 final)*

Article 3 (9)

Text proposed by the Commission	CoR amendment
At the request of the Commission, which may act on its own initiative or on the initiative of the network manager, and after consulting the bodies mentioned in paragraph 4, the Member State shall ensure that an airport with no designation status be designated as belonging to the network. The decision shall be communicated to the Commission. If the Commission considers that the airport is no longer of interest for the network, the Member State, after consulting the bodies mentioned in paragraph 4, shall change the designation of the airport to that of an airport with no designation status.	At the request of the Commission, which may act on its own initiative or on the initiative of the network manager, and after consulting the bodies mentioned in paragraph 4, the Member State shall ensure that an airport with no designation status be designated as belonging to the network. The decision shall be communicated to the Commission. If the Commission considers that the airport is no longer of interest for the network, the Member State, after consulting the bodies mentioned in paragraph 4, shall change the designation of the airport to that of an airport with no designation status.

Reason

The definition of a 'network airport' as in the EC's current proposals is very broad and gives powers to the Commission, which would be able to make subjective decisions as to whether an airport has 'an impact on the functioning of the European air-traffic management network'. In particular regional airports are more likely to experience 'a sudden and significant increase in traffic' and so the concept of a 'network airport' and its associated obligations should be removed or at the very least more tightly defined. No justification for the introduction of this paragraph since the concept of network airports has no relevance to this regulation.

Amendment 12*Allocation of slots (in relation to COM(2011) 827 final)*

Article 3 (10)

Text proposed by the Commission	CoR amendment
If a decision is taken under paragraphs 6, 8 or 9, the Member State shall communicate it to the bodies mentioned in paragraph 4 no later than 1 April for the winter scheduling period and no later than 1 September for the summer scheduling period.	If a decision is taken under paragraphs 6 or 8 or 9 , the Member State shall communicate it to the bodies mentioned in paragraph 4 no later than 1 April for the winter scheduling period and no later than 1 September for the summer scheduling period.

Reason

See Amendment 11.

Amendment 13

Allocation of slots (in relation to COM(2011) 827 final)

Article 5 (1)

Text proposed by the Commission	CoR amendment
The Member State responsible for a network airport, a schedules facilitated or coordinated airport shall ensure the appointment of a qualified natural or legal person as schedules facilitator or airport coordinator, after having consulted the air carriers using the airport regularly, their representative organisations and the managing body of the airport and the coordination committee, where such a committee exists. The same schedules facilitator or coordinator may be appointed for more than one airport.	The Member State responsible for a network airport , a schedules facilitated or coordinated airport shall ensure the appointment of a qualified natural or legal person as schedules facilitator or airport coordinator, after having consulted the air carriers using the airport regularly, their representative organisations and the managing body of the airport and the coordination committee, where such a committee exists. The same schedules facilitator or coordinator may be appointed for more than one airport.

Reason

The Member States and not the European Commission are responsible for all their airports, no matter whether they are schedule facilitated or coordinated.

Amendment 14

Allocation of slots (in relation to COM(2011) 827 final)

Article 6

Text proposed by the Commission	CoR amendment
<p><i>Article 6</i></p> <p>Transparency of coordination activities and schedules facilitation</p> <p>1. At the end of each scheduling period, the coordinator or schedules facilitator shall submit to the Member States concerned and to the Commission an activity report describing the general slot allocation and/or schedules facilitation situation, examining, in particular, the application of Article 9(5) and Articles <u>13</u> and <u>18</u>, as well as any complaints regarding the application of Articles <u>9</u> and <u>10</u> submitted to the coordination committee and the steps taken to resolve them. The report shall also contain the results of a survey conducted among the interested parties on the quality of services provided by the coordinator.</p> <p>2. The Commission may adopt a template for the activity report mentioned in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).</p> <p>3. The coordinator shall maintain an up-to-date, freely-accessible electronic database, containing the following information:</p>	<p><i>Article 6</i></p> <p>Transparency of coordination activities and schedules facilitation</p> <p>1. At the end of each scheduling period, the coordinator or schedules facilitator shall submit to the Member States concerned and to the Commission an activity report describing the general slot allocation and/or schedules facilitation situation, examining, in particular, the application of Article 9(5) and Articles <u>13</u> and <u>18</u>, as well as any complaints regarding the application of Articles <u>9</u> and <u>10</u> submitted to the coordination committee and the steps taken to resolve them. The report shall also contain the results of a survey conducted among the interested parties on the quality of services provided by the coordinator.</p> <p>2. The Commission may adopt a template for the activity report mentioned in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).</p> <p>3. The coordinator shall maintain an up-to-date, freely-accessible electronic database <u>for all interested parties</u>, containing the following information:</p>

Reason

As regards accessibility and transparency of information, Article 6 of the draft regulation stipulates that the coordinator shall have a freely-accessible electronic database. It should be spelt out that this information

should be accessible to everyone and not just airports and air carriers. Under the previous regulation ((EEC) 95/93), this information was restricted to 'interested parties [airlines], in particular to members or observers of the coordination committee', with no reference made to other interested parties such as regional administrations. This has already been corrected in the proposal (see final paragraph struck out on page 33 of COM(2011) 827 final). However, it must be stipulated expressly that the information in the database should be accessible to any interested third party (local administrations, university study and research centres or even consultancies which at the end of the day are working to improve public policies and business initiatives). Opening up the database to these groups in no way undermines the rules of free competition, nor does it affect the confidentiality and discretion required in business strategies, given that all of this information is already available beforehand to airlines. At the same time, information and communication technologies allow this information to be stored and made available immediately to any interested party either free of charge or at a low cost. This information should therefore be made available to the public as a valuable tool not only to make the way in which slots are distributed more transparent, but also to support scheduling and planning within the industries concerned (hotel establishments, leisure, the restaurant industry) and facilitate coordination of administrative responsibilities, such as planning of tourist promotion campaigns by regional authorities and negotiating strategies with wholesale operators.

Amendment 15

Allocation of slots (in relation to COM(2011) 827 final)

Article 7 (1)

Text proposed by the Commission	CoR amendment
Air carriers operating or intending to operate at a schedules facilitated or coordinated airport belonging to the network shall submit to the schedules facilitator or coordinator all relevant information requested by them. ⇨ If this information changes, the air carriers shall inform the schedules facilitator and the coordinator as soon as possible. ⇨ All relevant information shall be provided in the format and within the time-limit specified by the schedules facilitator or coordinator. In particular, an air carrier shall inform the coordinator, at the time of the request for allocation, whether it would benefit from the status of new entrant, in accordance with Article 2(2), in respect of requested slots.	Air carriers operating or intending to operate at a schedules facilitated or coordinated airport belonging to the network shall submit to the schedules facilitator or coordinator all relevant information requested by them. ⇨ If this information changes, the air carriers shall inform the schedules facilitator and the coordinator as soon as possible. ⇨ All relevant information shall be provided in the format and within the time-limit specified by the schedules facilitator or coordinator. In particular, an air carrier shall inform the coordinator, at the time of the request for allocation, whether it would benefit from the status of new entrant, in accordance with Article 2(2), in respect of requested slots.

Reason

See Amendment 11

Amendment 16

Allocation of slots (in relation to COM(2011) 827 final)

Article 8 (1)

Text proposed by the Commission	CoR amendment
At a coordinated airport, the Member State responsible shall ensure that a coordination committee is set up. The same coordination committee may be designated for more than one airport. Membership of this committee shall be open at least to the air carriers using the airport(s) in question regularly and their representative organisations, the managing body of the airport concerned, the relevant air traffic control authorities, the representatives of general aviation using the airport regularly, the network manager, the performance review body and the national supervisory authority of the Member State concerned.	At a coordinated airport, the Member State responsible shall ensure that a coordination committee is set up. The same coordination committee may be designated for more than one airport. Membership of this committee shall be open at least to the air carriers using the airport(s) in question regularly and their representative organisations, the managing body of the airport concerned, the relevant air traffic control authorities, the representatives of general aviation using the airport regularly, the network manager, the performance review body and the national supervisory authority of the Member State concerned. <u>In justified cases, representatives of the local authority or region in which the airport is located may be included in the coordination committee.</u>

Reason

Requiring representatives of local or regional government to be included in the coordination committee would not be appropriate. The Member States are already required to appoint representatives of the national supervisory authority to the committee. There should only be local/regional participation when special circumstances so require.

Amendment 17

Allocation of slots (in relation to COM(2011) 827 final)

Article 9 (8)

Text proposed by the Commission	CoR amendment
<p>The coordinator shall also take into account additional guidelines established by the air transport industry world-wide or Union-wide as well as local guidelines proposed by the coordination committee and approved by the Member State or any other competent body responsible for the airport in question, provided that such guidelines do not affect the independent status of the coordinator, comply with Union law, aim at improving the efficient use of airport capacity and have been notified in advance to and pre-approved by the Commission.</p>	<p>The coordinator shall also take into account additional guidelines established by the air transport industry world-wide or Union-wide as well as local guidelines proposed by the coordination committee and approved by the Member State or any other competent body responsible for the airport in question, provided that such guidelines do not affect the independent status of the coordinator, comply with Union law, and aim at improving the efficient use of airport capacity and have been notified in advance to and pre-approved by the Commission</p> <p><u>Local Rules concern the allocation and monitoring of slots. These can be applied where performance or throughput improvements can be delivered through locally applied rules, these must be transparent and non-discriminatory.</u></p>

Reason

Local rules do exist and are essential to take into account specific/local circumstances at a given local airport (for example, environment, accessibility, geographical diversity, special weather conditions). In the same way that local situations and specifics must be taken into account when considering operating restrictions with regards to Noise, so too must specific circumstances be taken into account when allocating slots, to ensure that a regulatory framework is flexible enough to truly deliver optimal and efficient use of capacity at individual airports.

Amendment 18

Allocation of slots (in relation to COM(2011) 827 final)

Article 12 (1)

Text proposed by the Commission	CoR amendment
<p>Where public service obligations have been imposed on a route in accordance with Article 16 of Regulation (EC) No 1008/2008, a Member State may reserve the slots required for the operations envisaged on that route at a coordinated airport. If the reserved slots on the route concerned are not used, they shall be made available to any other air carrier interested in operating the route in accordance with the public service obligations, subject to paragraph 2. If no other carrier is interested in operating the route and the Member State concerned does not issue a call for tenders under Article 16(10), Article 17(3) to (7), and Article 18(1) of Regulation (EC) No 1008/2008, the slots shall either be reserved for another route subject to public service obligations or be returned to the pool.</p>	<p>Where public service obligations have been imposed on a route in accordance with Article 16 of Regulation (EC) No 1008/2008, a Member State may reserve the slots required for the operations envisaged on that route at a coordinated airport. <u>The Member States should pay particular attention to air routes which link islands to the territory of the State to which they belong.</u> If the reserved slots on the route concerned are not used, they shall be made available to any other air carrier interested in operating the route in accordance with the public service obligations, subject to paragraph 2. If no other carrier is interested in operating the route and the Member State concerned does not issue a call for tenders under Article 16(10), Article 17(3) to (7), and Article 18(1) of Regulation (EC) No 1008/2008, the slots shall either be reserved for another route subject to public service obligations or be returned to the pool.</p>

Reason

Stricter reservation requirements are not necessary. The draft regulation already provides the Member States with sufficient reservation rights. Provided that there are no public service obligations, there should be no provision for reservation rights for island airports, so as not to impede competition unnecessarily.

Brussels, 19 July 2012.

The President
of the Committee of the Regions
Mercedes BRESSO
