

Airport charges

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The Committee on Transport and Tourism adopted the report by Ulrich **STOCKMANN** (PES, DE) amending, under the 1st reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council on airport charges.

Purpose: this Directive sets common principles for the levying of airport charges at Community airports. The committee intends to specify that this shall be without prejudice to the freedom of the airport managing body to opt for the single or dual till system or for a combined system.

Scope: although the European Commission proposed that the Directive should apply to any airport located in a territory subject to the provisions of the Treaty and open to commercial traffic whose annual traffic is over 1 million passenger movements or 25 000 tonnes of cargo, MEPs consider that this Directive should apply to any airport located in a territory subject to the provisions of the Treaty and open to commercial traffic whose annual traffic is over 5 million passenger movements or which accounts annually for more than 15 % of the passenger movements in the Member State in which it is located. Member States may, after a thorough investigation by the national competition authority, also apply this directive to other airports if this proves necessary. Lastly, this directive shall also apply to airport networks and all airports organised into networks in any territory subject to the provisions of the EC Treaty.

Non discrimination: the proposal states that Member States shall ensure non discrimination among airport users or air passengers. According to the MEPs, this provision shall not stand in the way of the introduction of adjustments to charges for objective, transparent reasons of general interest.

Airport networks: the report suggests that Member States should permit the operators of airport networks to introduce a uniform and transparent system of airport charges for all the airports belonging to the network. Permission may only be granted on condition that competition between the airports in different Member States is not distorted, for example from the point of view of tourism.

Consultation: although the Commission proposes that a consultation should take place at least once a year, the committee considers that a consultation is only necessary if changes are to be made. Member States shall ensure that such consultation takes place in advance of airport managing bodies or airport users wishing to introduce or to make significant changes to the structure or level of airport charges. The independent regulatory authority nominated or established shall establish a procedure for resolving disagreements between the airport managing body and the airport users or their representatives on changes to the level or structure of airport charges, including changes relating to quality of service.

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

regards traffic growth and any major proposed investment; the predicted output of any major proposed investments in terms of their effects on airport capacity and service quality.

New infrastructure: the Directive proposes that Member States shall ensure that the airport managing body consults with airport users before plans for new infrastructure projects are finalised. MEPs introduced an amendment stipulating that within a maximum of 5 years before the investment becomes

operational, the airport managing body may assert its interests by way of prefinancing when airport charges are set. The airport managing body may prefinance new infrastructure projects by increasing airport charges under certain conditions.

Different charges: according to the committee, the amount of airport charges may also be differentiated according to environmental performance, noise pollution or other public interests on the condition that it is determined on the basis of relevant, objective and transparent criteria. Member States shall also ensure that airports levy the same charge for the same service.

Security charges: security charges shall be used exclusively to meet security costs and shall not exceed those costs. No profit may be made on security charges. These costs shall be determined using the principles of economic and operational efficiency and of accounting and evaluation generally accepted in each of the Member States. The Member States shall ensure that the costs are distributed fairly among the various user groups at each airport. Moreover, the revenue obtained from airport charges introduced to cover security costs should be used exclusively for implementing security measures.

Independent regulatory authority: the national independent regulatory authority may delegate, under its supervision, the implementation of the provisions, or parts of the provisions, of this directive to regional independent regulatory authorities, provided that the implementation takes place in accordance with the same standards. The national independent regulatory authority shall continue to bear responsibility for ensuring the correct application of the provisions of this Directive. When carrying out an investigation into the justification for modifying the structure, level or airport charge, the independent regulatory authority shall be able to request necessary information from the parties concerned and shall be required to consult the parties concerned and any other affected parties in order to reach its decision. It shall reach its decision as soon as practical within 3 months of the receipt of a complaint and shall be required to publish the decision and the reasons behind it.