

# Airport charges

2007/0013(COD) - 15/01/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution based on the report drafted by Ulrich **STOCKMANN** (PES, DE) amending, under the 1st reading of the codecision procedure, the proposal for a directive on airport charges. The resolution was adopted by 613 votes for, 33 against, and 51 abstentions.

**Purpose:** the 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 considered 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. The directive shall also apply to airport networks and all airports organised into networks in any territory subject to the provisions of the EC Treaty. Member States shall publish a list of the airports on their territory to which this Directive applies. This list shall be based on data from EUROSTAT and shall be updated annually. The directive will not apply to the charges levied for the funding of assistance to disabled passengers and passengers with reduced mobility referred to in Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

**Non discrimination:** the provision on non-discrimination will provision shall not stand in the way of the introduction of adjustments to charges for objective, transparent reasons of general interest.

**Airport networks:** this is defined as means a number of airports in a Member State that are operated by an airport management body designated by the competent national authority. In order to ensure that access is provided to the airports in an airport network at a cost commensurate with the number of air passengers, Member States may permit the operators of airport networks to introduce a uniform and transparent system of airport charges for all the airports belonging to the network. Permission may only be granted on condition that competition between the airports in different Member States is not distorted, for example from the point of view of tourism. In the event of a dispute, the complainant may apply to the Commission on the basis of the relevant EC competition rules.

**Consultation:** Parliament deleted the Commission's proposal that a consultation should take place at least once a year. Consultation will take place with respect to the operation of the system of airport charges and the level of such charges, including the level of service quality to be provided by the airport managing body in return for the airport charge. Parliament added that Member States shall ensure that such consultation takes place in advance of airport managing bodies or airport users wishing to introduce or to make significant changes to the structure or level of airport charges. Where there is a multi-annual agreement between the airport managing body and the airport users or representatives of airport users, consultation shall take place in accordance with the provisions of that agreement.

**Changes to airport charges:** changes to the airport charges system will be submitted at least six months before they enter into force (rather than four months.) The airport managing body shall publish its final decision within a reasonable time prior to it entering into force. Member States shall ensure that in the

event of a definitive disagreement over a decision on airport charges, the airport managing body or the airport users, as long as they represent at least two unrelated airlines or at least 10% of the annual aircraft movements or the annual passenger numbers at the relevant airport, may seek the intervention of the independent regulatory authority. This body must (a) 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; (b) determine the conditions under which a disagreement can be brought to it for resolution; (c) determine the criteria against which disagreements will be assessed. The examination of a change to the airport charges system or the level of airport charges shall not have a suspensory effect.

**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 pre-financing when airport charges are set. The airport managing body may prefinance new infrastructure projects by increasing airport charges under certain conditions.

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

**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. Member States shall ensure that the costs are distributed fairly among the various user groups at each airport. The proceeds from security charges levied at a particular airport may be used only to cover airport security expenditure incurred in the place in which the charges were levied. In the case of airport networks, the proceeds from security charges may be used only to cover security expenditure arising at airports belonging to the network. A new article states that The costs of implementing security measures which are more stringent than the minimum security measures laid down in Regulation (EC) No 2320/2002 shall be borne by the Member States.

**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 the 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.