

# Airport charges

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The Committee on Transport and Tourism adopted a report drafted by Ulrich **STOCKMANN** (PES, DE) and made some amendments to the Council's common position for adopting a directive of the European Parliament and of the Council on airport charges.

The main amendments - recommended for second reading in the framework of codecision procedure - are as follows:

**Airport with the highest passenger movement in each Member State:** the committee clarified in the recitals that in a Member State where no airport reaches the minimum size for the application of the Directive, the airport with the highest passenger movements enjoys such a privileged position as a point of entry to that Member State that it is necessary to apply the provisions of the Directive to that airport in order to guarantee the respect of certain basic principles in the relationship between the airport managing body and the airport users, in particular with regard to transparency of charges and non-discrimination among airport users.

**Pre-financing:** a new recital notes that different systems exist in different Member States concerning the pre-financing of airport investments. In Member States where pre-financing occurs, Member States or airports should refer to ICAO policies and/or establish their own safeguards.

**Level of airport charges:** Members deleted the provision in the common position which stated that Member States may allow an airport managing body for airports serving the same city or conurbation, to apply the same level of airport charges to all the airports concerned, provided that each airport fully complies with the requirements on transparency. They considered that the same level of charges need not be applied but the charging system must be common and transparent. The same level of charges would not be appropriate as it would not be cost related or related to the level of service or facilities provided.

**Common charging systems:** a new article stipulates that, having informed the Commission and in accordance with Community law, Member States may allow an airport managing body to apply a common and transparent charging system at airports serving the same city or conurbation, provided that each airport fully complies with the requirements on transparency set out in the text.

**Independent supervisory authority:** the independent supervisory body is re-named the independent supervisory authority. In compliance with national law, the provisions of the Directive shall not prevent the independent supervisory authority from delegating, under its supervision and full responsibility, the implementation of the Directive to other independent supervisory authorities, provided that implementation takes place in accordance with the same standards.

**Deadlines for decisions on charges:** the managing body must publish new charges at least two months before they enter into force and the independent supervisory authority has four weeks to come to an interim decision and four months, extendable to six in exceptional cases, to come to its final decision after the receipt of a complaint. This has the effect of reducing uncertainty for stakeholders.

**Mandatory procedure for charges:** the committee amended the Council's text on determining airport charges in those Member States who decide not to use the independent supervisory authority to arbitrate on the level of charges. The new provision states that a Member State may decide not to apply certain provisions taken by the airport managing body in relation to changes to the level of charges or the structure of the airport charges at those airports for which : (a) there is a mandatory procedure under

national law whereby airport charges, or their maximum level, shall be determined or approved by the independent supervisory authority or (b) there is a mandatory procedure under national law whereby the independent supervisory authority examines on a regular basis or in response to requests from interested parties whether such airports are subject to effective competition. Whenever warranted on the basis of such an examination, the Member State shall decide that the airport charges, or their maximum level, shall be determined or approved by the independent supervisory authority. This decision shall apply for as long as is necessary on the basis of the examination conducted by the same authority. The procedures, conditions and criteria applied for the purpose of this paragraph by the Member State shall be relevant, objective, non-discriminatory and transparent.

**Information provided on charges:** this must include, inter alia, any financing from public authorities of the facilities and services which airport charges relate to and the predicted outcome of any major proposed investments in terms of their effects on airport capacity.

**Differentiation of services:** the title of this Article has been changed from "Tailored services".