

Airport charges

2007/0013(COD) - 23/10/2008 - Text adopted by Parliament, 2nd reading

The European Parliament adopted by 549 votes to 12 with 24 abstentions, a legislative resolution amending the Council's common position for adopting a directive of the European Parliament and of the Council on airport charges. The report had been tabled for consideration in plenary by Ulrich **STOCKMANN** (PES, DE) on behalf of the Committee on Transport and Tourism.

The amendments were the result of a compromise between Parliament and Council, and they follow those amendments made by Parliament's competent committee.

The main amendments – adopted in 2nd reading of codecision procedure - are as follows:

Airport with the highest passenger movement in each Member State: Parliament 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.

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 airport managing body shall normally publish its decision or recommendation no later than two months before its entry into force. The independent supervisory authority shall, within four weeks of the matter being brought before it, take an interim decision on the entry into force of the modification of airport charges, unless the final decision can be taken within the same deadline. A final decision must be taken as soon as possible, and in any case within four months of the matter being brought before it. This period may be extended by two months in exceptional and duly justified cases.

Mandatory procedure for charges: a new provision states that a Member State may decide not to apply certain provisions to decisions 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."