

Air transport: aviation security charges

2009/0063(COD) - 11/05/2009 - Legislative proposal

PURPOSE: to set common principles for the levying of security charges at Community airports.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: at present, systems for the recovery of aviation security costs are regulated at national level and are not always transparent to the users. Users are not systematically consulted at all EU airports before charges are determined or before a charging system is modified. This proposal sets common principles for the levying of security charges at Community airports and applies to any airport located in a territory subject to the provisions of the Treaty. However, it does not apply to the charges collected for the remuneration of en-route and terminal air navigation services in accordance with Commission Regulation (EC) No 1794/2006, or to the charges collected for the remuneration of ground-handling services referred to in the Annex to Council Directive 96/67/EC.

IMPACT ASSESSMENT: the impact assessment covers four policy options:

Option 1: No EU action;

Option 2: Self-regulation.

Option 3: EU Directive on non-discrimination, transparency, cost-relatedness and possibility to appeal;

Option 4: Full state funding of airport security.

Options 1 and 2 do not attain the objectives, while options 3 and 4 effectively address the concerns of discriminatory and excessive security charges. Option 4, however, discourages more efficient aviation security services because there are no incentives for the security providers to control costs. The increased administrative burden of option 3 is negligible because the same authority as established by the Directive on airport charges can be used. Consequently, option 3 offers the most efficient overall solution.

CONTENT: the proposal defines a number of basic principles to be respected by airport operators when they determine their security charges. These are:

Non-discrimination: aviation security charging systems should not discriminate between carriers or passengers.

Consultation and remedy: the airport managing body and the air carriers serving the airport, or their representative organisations, must engage in a dialogue on the security charging system applicable at an airport not only when such system is modified but also when the levels of the security charges are being established. The aim of this requirement is that the two parties exchange views on a regular basis on the levels of the charges, as well as on all factors and regulatory requirements that have an influence on the determination of those charges.

Transparency: the proposed Directive contains no provisions on the methods for calculating security charges that should be applied in each Member State. While the Commission acknowledges the wide diversity of airport regulation in the various Member States, a reasonable amount of information must

nevertheless be provided by the operator to the air carriers so as to make the consultation process between airports and air carriers meaningful. To this end, the Directive establishes which information should be provided on a regular basis by the airport managing body.

Air carriers should, in turn, give information as to their traffic forecasts, their intended fleet use and their present and future specific requirements at the airport, so as to allow the airport managing body to employ their capital and dedicate their capacity in an optimal manner. Air carriers should also have the right to be informed about security measures that are more stringent than required by Community law.

Cost-relatedness: revenues from security charges shall only be used to meet security costs.

Supervisory authority: a draft Directive that contains the principles to be respected by the main partners in the air transport industry i.e. the airports and air carriers, which have diverging interests, needs to be properly applied and adhered to at the level of the Member States. An authority to be established in each Member State that is in charge of ensuring the correct application of the Directive would be an appropriate guarantee that its provisions are respected.

BUDGETARY IMPLICATION: the proposal has no implication for the Community budget.