

Access to the groundhandling market at Community airports

1994/0325(SYN) - 28/03/1996 - Council position

The Council's common position reflects the aim of organizing genuine access to the ground handling market and thus giving carriers a real choice of services suited to their needs, while at the same time taking account of the particular problems facing airports and the interests of workers in the sector. It includes a number of the EP amendments accepted by the Commission, which include: - the reference in the recitals to economic and social progress and to the Parliament's resolution of 14 February 1995 on European civil aviation; - the idea of ensuring an adequate level of social protection, as an option for the Member State, for the staff of undertakings providing ground handling services; - the reference to the notion of suppliers or users authorized by agreement to provide ground handling services or to self-handle; the Council included the option for Member States to introduce fees for access to facilities; - the idea of separate accounts for all suppliers of ground handling services to third parties, and of an independent examiner appointed by the Member State; - a provision making it impossible for Member States to restrict self-handling to fewer than two airport users in respect of services such as: baggage handling; ramp handling; fuel and oil handling; and freight and mail handling; the smallest airports (fewer than 1 million passengers or 25 000 tonnes of freight annually) may ban self-handling or restrict it to a single airport user; - the option for Member States to restrict access to centralized infrastructures to technical management only; - the option for Member States to ban self-handling or to restrict it to a single airport user in respect of the services referred to in Article 9 of the common position, together with a reference to the notion of available space or capacity; - the principle of notifying the managing body of the grounds for withholding approval; - a reference to national legislation on safety, security and conditions of employment; - the principle that Member States may introduce charges for access to ground handling facilities; - transposition of the Directive within the year following its publication in the Official Journal; - a reference to protection of the rights of workers in the sector. The Council also included new provisions in its common position, namely: - gradual opening up of the market between 1998 and 2001; in the medium term the threshold of 2 million passengers or 50 000 tonnes of freight is maintained; - extension of the scope of the term 'self-handling' to cover undertakings belonging to one and the same group (concept of majority holding); - abandonment of the principle of separate management for ground handling activities and other types of activities, while the principle of a simple unbundling of accounts is retained; - a ban on airport managing bodies using revenue from airport charges to subsidize any ground handling activities; - the option for Member States to require suppliers of ground handling services at their airports to be established within the Community; duopolies are authorized until 1 January 2001, with a possible extension until 1 January 2003; - exemptions enabling monopolies to remain in place may last no more than two years; - establishment of an advisory committee made up of representatives of the Member States, the role of which is to advise on the granting of exemptions and all matters concerning the Directive; - alteration of the procedure for selecting suppliers of services; - when selecting suppliers, Member States may require a supplier wishing to operate at a particular airport to provide services at other airports located on islands in the same geographical region; - the approval criteria and the rules of conduct which a Member State may draw up must be applied in a non-discriminatory manner, must relate to the intended objective and must not, in practice, reduce market access to a level below that provided for in the Directive; - removal of the Commission's right to monitor the decisions taken with regard to reciprocity; Member States alone will decide what action to take in dealing with a non-Community country which treats its suppliers in a discriminatory manner; - lastly, the Commission's report on implementation of the Directive must be drawn up by the year 2003.