

Access to the groundhandling market at Community airports

1994/0325(SYN) - 15/10/1996 - Final act

OBJECTIVE: opening up to competition of the groundhandling services at Community airports
COMMUNITY MEASURE: Council Directive 96/67/EC on access to the groundhandling market at Community airports. **SUBSTANCE:** the directive reflects the aim of organizing real access to the groundhandling market which will allow carriers to benefit from a real choice and services which are adapted to their needs, bearing in mind the specific problems of airports and the interests of air travellers. The arrangements and timetable for liberalization differ according to whether self-handling services or groundhandling for third parties is involved: a) for self-handling (the services which companies can operate themselves), the directive will apply with effect from 1 January 1998: - for all commercial airports in the EU, regardless of the volume of traffic, for all services provided within the airport; - for airports where annual traffic is not less than 1 million passenger movements or 25 000 tonnes of freight, with regard to baggage handling, ramp handling, fuel and oil handling and freight and mail handling. b) for groundhandling for third parties, the directive will apply with effect from 1 January 1999 to airports where annual traffic is not less than 3 million passenger movements or 75 000 tonnes of freight. c) with effect from 1 January 2001 the directive shall apply to any airport located in the territory of a Member State whose annual traffic is not less than 2 million passenger movements or 50 000 tonnes of freight. Other provisions of the directive deal with the following points: - Separation of activities: The managing body of an airport, the airport user or the supplier of groundhandling services must rigorously separate the accounts of their groundhandling activities from the accounts of their other activities. An independent examiner appointed by the Member State must check that this separation of accounts is carried out. - Groundhandling for third parties: Member States may require that suppliers of groundhandling services be established within the Community; they may limit to two the number of suppliers authorized to provide groundhandling services such as baggage handling, ramp handling, fuel and oil handling, freight and mail handling. In this case, from 1 January 2001 at least one of these two partners must be completely independent of the managing body of the airport and the dominant carrier. At the request of a Member State the Commission may grant a transitional period (until 31 December 2002) for reasons of security or lack of capacity; - Self-handling: Member States have the option of reducing to no fewer than two the number of users able to self-handle for services such as baggage handling, ramp handling, fuel and oil handling and freight and mail handling; - Exemptions: Member States may benefit from exemptions (over a limited period) where at an airport specific constraints of available space or capacity make it impossible to open up the market and/or implement self-handling; - Approval: Member States may make the groundhandling activity of a supplier of groundhandling services or a self-handling user at an airport conditional upon obtaining the approval of a public authority independent of the managing body of the airport. The grounds for withholding or withdrawal of approval must be communicated to the managing body of the airport; - Access to installations: Member States shall take the necessary measures to ensure that suppliers of groundhandling services and airport users wishing to self-handle have access to airport installations; where access to airport installations gives rise to the collection of a fee, the latter shall be determined according to relevant, objective, transparent and non-discriminatory criteria; - Social and environmental protection: Member States may take the necessary measures to ensure protection of the rights of workers and respect for the environment; - Reciprocity: Member States shall take their independent decisions on the action to be taken with regard to a third country which deals with their suppliers of services in a discriminatory manner. The Commission shall draw up a report on the application of the Directive together with any proposals by 31 December 2001 at the latest. **ENTRY INTO FORCE:** 14/11/1996 **DEADLINE FOR TRANSPOSITION:** 15/11/1997