Basic information

2011/0397(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Groundhandling services at Union airports **Subject** 3.20.01 Air transport and air freight 3.20.01.01 Air safety 4.15.04 Workforce, occupational mobility, job conversion, working conditions	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	ZASADA Artur (PPE)	19/12/2011
	Shadow rapporteur FLECKENSTEIN Knut (S&D) KLINZ Wolf (ALDE) LICHTENBERGER Eva (Verts/ALE) VAN DALEN Peter (ECR) WILS Sabine (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs (Associated committee)	MANN Thomas (PPE)	27/10/2011
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	GÁLL-PELCZ Ildikó (PPE)	29/02/2012

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3134	2011-12-12

European

Commission DG	Commissioner

Commission	Mobility and Transport	KALLAS Siim
European Economic and Social Committee		
European Committee of the Regions		

Key events

Date	Event	Reference	Summary
01/12/2011	Legislative proposal published	COM(2011)0824	Summary
12/12/2011	Debate in Council		Summary
15/12/2011	Committee referral announced in Parliament, 1st reading		
24/05/2012	Referral to associated committees announced in Parliament		
06/11/2012	Vote in committee, 1st reading		
09/11/2012	Committee report tabled for plenary, 1st reading	A7-0364/2012	Summary
11/12/2012	Debate in Parliament		
12/12/2012	Results of vote in Parliament		
12/12/2012	Decision by Parliament		Summary
16/04/2013	Decision by Parliament, 1st reading	T7-0116/2013	Summary
16/04/2013	Results of vote in Parliament		
07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2011/0397(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	TRAN/7/08027

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee draft report		PE494.627	31/07/2012	
Committee opinion	IMCO	PE489.551	23/08/2012	
Committee opinion	EMPL	PE491.100	19/09/2012	
Amendments tabled in committee		PE496.364	10/10/2012	
Amendments tabled in committee		PE496.365	10/10/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0364/2012	09/11/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0116/2013	16/04/2013	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0824	01/12/2011	Summary
Document attached to the procedure	SEC(2011)1439	01/12/2011	
Document attached to the procedure	SEC(2011)1440	01/12/2011	
Commission response to text adopted in plenary	SP(2013)338	15/05/2013	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	DE_BUNDESRAT	COM(2011)0824	17/02/2012	
Contribution	PT_PARLIAMENT	COM(2011)0824	24/02/2012	
Contribution	EL_PARLIAMENT	COM(2011)0824	26/03/2012	
Contribution	RO_CHAMBER	COM(2011)0824	20/04/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Groundhandling services at Union airports

2011/0397(COD) - 09/11/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Artur ZASADA (EPP, PL) on the proposal for a regulation of the European Parliament and of the Council on ground handling services at Union airports and repealing Council Directive 96/67/EC.

The committee recommends that the European Parliament **reject the Commission proposal**.

Groundhandling services at Union airports

2011/0397(COD) - 16/04/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 455 votes to 239 with 18 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on ground handling services at Union airports and repealing Council Directive 96/67/EC. The matter had been referred back to the competent committee for re-consideration during the plenary session of 12 December 2012.

Parliament adopted its position in first reading following the ordinary legislative procedure. It amended the Commission proposal as follows:

Airport Users' Committee: at the airport's users' request, every airport with annual traffic of **not less than two million passenger movements or 50 000 tonnes of freight for at least the previous three years shall establish a committee of representatives** of airport users or of organisations representing airport users as well as representatives of the airports and the staff. Involvement of the social partners in this user network shall be compulsory.

Parliament underlines that as free market access is the norm in Union transport policy, the **complete liberalisation of the ground handling market should be the ultimate goal**.

Limit on suppliers: it should be possible to limit the number of authorised suppliers of ground handling services and for the extent of such limitations to **differ between individual terminals within the same airport provided that they are applied in a non-discriminatory manner**, do not distort competition and comply with this Regulation and that the minimum number of suppliers at each terminal remains the same.

Member States shall not limit this number to **fewer than three suppliers** for each category of ground handling services in the case of airports whose annual traffic has been **more than 15 million passengers or 200 000 tonnes of freight** for at least the previous three years.

Quality of service: Parliament considers that enhancing the quality of ground handling services should be the ultimate aim:

- In order to avoid increasing the administrative burden for ground handling companies, these companies should be allowed to **decide on their own general business practices** and their human resources policy.
- Airports should be required to keep **strictly separate accounts** for their ground handling services on the one hand and their infrastructure management on the other.
- Where the managing body of an airport supplies ground handling services itself, or where it directly or indirectly controls a ground handling services undertaking, **due coordination of the ground handling services should be monitored by the independent supervisory authority in order to guarantee equal treatment.**

Minimum standards: in order to guarantee an adequate level of safety at all airports, **requirements on minimum safety standards** for ground handling services should be set out in terms of reliability, resilience, safety and security.

A competent Union institution, acting in cooperation with the competent authorities of the Member States, airport operators and social partners, should set ambitious minimum standards to **ensure the highest quality for education and training of employees** in the ground handling sector.

As long as the required standards are not met at the airport concerned, the accreditation of the service providers concerned should be suspended, withdrawn or withheld until the appropriate standard has been attained again.

Social protection and rights of staff: Parliament requires that all suppliers of ground handling services, self-handling airport users and subcontractors operating at an airport should apply the relevant representative **collective agreements** and national laws of the Member State concerned so as to allow fair competition between suppliers of ground handling services based on quality and efficiency.

In order to prevent **wage dumping** the staff of undertakings providing ground handling services should enjoy an **adequate level of social protection, as well as decent working conditions**, including **in the case of subcontracting and in the context of service contracts**. If it is found that gaps in protection exist or that rules are being infringed, the accreditation of the service providers concerned may be suspended, withdrawn or withheld, until the appropriate standard has been attained again.

Persons with reduced mobility: Parliament wants the Regulation to be applied in conformity with Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air. In this respect, the Regulation encourages increased convergence between, on the one hand, the providers of assistance to disabled persons or persons with reduced mobility and, on the other hand, the handlers of aid equipment of the travellers, including medical devices. The insurance policies taken out by suppliers of ground handling services should guarantee full compensation for losses incurred as a result of damage to or loss of such equipment.

Passenger information: the documentation supplied by airlines to passengers **should clearly indicate** the supplier of ground handling services for the air route concerned. Furthermore, Suppliers of ground handling services have a duty to provide **information points for passengers** whose baggage is lost or missing.

Penalties: Member States should provide for the imposition of penalties for infringement of this Regulation. The penalties thus provided for should be effective, proportionate and dissuasive.

Groundhandling services at Union airports

2011/0397(COD) - 01/12/2011 - Legislative proposal

PURPOSE: to improve the efficiency and the overall quality of groundhandling services at Union airports for end-users (airlines) and final users (passengers and freight forwarders).

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

BACKGROUND: according to Commission and stakeholders' estimations, the revenues of groundhandling (all categories included) **amount globally to EUR 50 billion**. It is estimated that the sector employs at least 60,000 persons in Europe. The cost linked to groundhandling services for airlines represents 5 to 12% of operating costs.

In 1996 the European Community adopted **Council Directive 96/67/EC** on access to the groundhandling market at Community airports. The Directive was a first step towards the gradual opening and harmonisation of access to the groundhandling market. It would appear from the consultation organised by the Commission and the evaluation of the Directive in force that the **current legal framework is no longer fit for purpose**. The problem identified is twofold: (i) the provision of groundhandling services is not efficient enough due to barriers to entry and expansion, and (ii) the overall quality of groundhandling services is not keeping pace with evolving needs in terms of reliability, resilience, safety and security and the environment.

It is therefore necessary to **improve the efficiency and the overall quality of groundhandling services** with the following objectives:

- ensure airlines have an increased choice of groundhandling solutions at EU airports;
- harmonise and clarify national administrative conditions for market entry (approvals);
- ensure a level playing field at airport level between groundhandling companies operating under different regulatory regimes;
- increase coordination between groundhandling providers at the airport (airport operators as ground coordinators within the EU aviation network as part of the gate-to-gate approach);
- clarify the legal framework for training of staff and transfer of staff.

IMPACT ASSESSMENT: **four policy packages** (in addition to the option to keep the existing framework) were considered to assess how Directive 96/67 /EC could be revised

- **Policy package PP1** would improve the system via minimal Directive amendments and by providing guidance where possible.
- **Policy package PP2** seeks to improve the current system through a more ambitious set of measures.
- **Policy package PP3** seeks to improve the current system with high intensity policy measures, providing full harmonisation of the groundhandling market legal framework.

Only the policy package **PP2** fully satisfies the identified objectives as demonstrated in the impact assessment.

LEGAL BASIS: Article 100 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal concerns the adoption of a regulation on groundhandling services at EU airports. The new regulation is intended to replace and repeal the existing Directive 96/67/EC. The main elements of the proposal are as follows:

- **Full opening of the self-handling market and increase in the minimum number of service providers to three at large airports:** every airport user should be allowed to self-handle. Moreover, the number of authorised third-party suppliers of groundhandling services should not be less than three suppliers at large airports with not less than 5 million passengers annually or 100 000 tonnes of freight.
- **Mutual recognition of approvals with harmonised requirements:** the mutual recognition of national approvals with harmonised requirements will reduce administrative costs for operators and reduce barriers to entry.
- **Better management of centralised infrastructures:** the proposal includes a clear legal framework for the definition of centralised infrastructure and for the fees to be charged to suppliers of groundhandling services and self-handling airlines for the centralised infrastructure.
- **Legal separation of airports and their groundhandling activities**: the proposal provides that if an airport is itself a provider of groundhandling services, it should be ensured that the groundhandling services provided by the airport do not unduly benefit from the airport management activities of the airport.
- **Improved tender procedure**: the proposal provides for an increase of the maximum duration for which a supplier of restricted groundhandling services is selected from 7 to 10 years. It contains further specifications on the details of the selection procedure for the suppliers of restricted services to ensure a harmonious application and ensure that selected companies are indeed those best suited to operate groundhandling services. In the selection of the supplier for restricted groundhandling services the AUC needs to be consulted. The proposal contains provisions for rules of procedure for the Airport Users' Committee to avoid any conflict of interest for airlines also providing groundhandling services.
- **Clarified rules for subcontracting:** the proposal contains clear rules for subcontracting allowing suppliers of groundhandling services to subcontract but limiting subcontracting by airports and self-handling airlines to situations of *force majeure* and prohibiting cascade subcontracting.
- **Role of the managing body of the airport in the coordination of ground services:** the managing body of the airport should be responsible for the proper coordination of groundhandling activities at its airport. Moreover, at large airports, which are particularly important for the European air transport network, the managing body of the airport needs to ensure that these operations are coordinated through an airport CDM and through a proper contingency plan.
- **Responsibility of airport operators for minimum quality requirements for groundhandling operations to be defined in delegated act**: the proposal provides the setting of minimum quality standards for the performance of groundhandling services to be met by all suppliers of groundhandling service and self-handling airport users.
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Reporting obligations on performance of groundhandling services (to be defined in delegated act): suppliers of groundhandling services and self-handling airport users should be required to report on the performance of their groundhandling services.

- **Compulsory minimum training for staff:** the proposal introduces minimum training requirements for all suppliers of groundhandling services and self-handling airlines to ensure the safety and security of operations and to create a level playing field among operators.
- **Possibility for Member States to impose a requirement to take over staff with same conditions where there is a tender procedure:** the tender system appears to encourage turnover of staff. Discontinuity of staff can have a detrimental effect on the quality of groundhandling services. It is therefore appropriate to clarify the rules on the takeover of staff beyond the application of Directive 2001/23/EC on transfers of undertakings and to enable Member States to ensure adequate employment and working conditions.

BUDGETARY IMPACT: the proposal has no impact on the EU's budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Groundhandling services at Union airports

2011/0397(COD) - 12/12/2011

The Commission presented to the Council three legislative proposals relating to different areas of **airport activities**: **ground handling services**, the allocation of slots and rules on the reduction of noise. The aim of the package, which also includes a communication on airport policy, is to address two key challenges: capacity at airports and the quality of airport services. More generally, it is intended to contribute to the implementation of the Single European Sky (SES) initiative.

The incoming Danish presidency considers the **airport package a priority**.

The Council also took note of information provided by the Commission on the implementation of the regulatory framework of the Single European Sky. The Commission drew ministers' attention to its report on this issue published in November and stressed that **2012 would be pivotal for the implementation of the SES** with key challenges to be addressed in a number of areas: the establishment of functional airspace blocks (FAB) grouping together two or more Member States in order to achieve better air traffic management; improvement of performance plans; network management; and preparations for the deployment of SESAR.