

**A monthly news service
Produced by Bird & Bird, Brussels**

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'Airport Package' from the European Commission: airport charges, groundhandling and airport capacity, efficiency and safety

On 24 January 2007, the Commission issued an 'Airport Package' consisting of three documents: (i) a proposal for a Directive of the European Parliament and of the Council on airport charges; (ii) a report from the Commission on the application of Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports, and (iii) a Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, entitled "An action plan for airport capacity, efficiency and safety in Europe".

Proposal for a Directive on airport charges

With its proposal for a Directive, the Commission puts forward basic principles for the airport managing bodies when setting or amending airport charges:

- * charging systems cannot discriminate among airport users or among air passengers;
- * the air carriers must be consulted prior to any amendment to the airport charges;
- * the air carriers must have access to an independent regulatory authority in case of disagreement; such authority must be set up if not yet existent;
- * airport managing bodies and air carriers should exchange the relevant information once a year (e.g. traffic forecasts) and the air carriers must be informed in advance of planned infrastructure projects at the concerned airport;
- * service level agreements will be imposed with regards to the services provided by the airport to the users and for which the airport charges are levied;
- * Member States must take measures to allow the airport managing bodies to provide tailored services to air carriers with specific needs (e.g. low cost carriers requiring only minimal terminal services).

The proposal for a Directive would apply only to airports with an annual traffic of over 1 million passenger movements or 25,000 tonnes of cargo.

The text is now sent to both the Council and the European Parliament for a first reading.

Report on the application of the 'Groundhandling Directive'

The Commission finds that Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (the 'Groundhandling Directive', OJ L 272, 25.10.1996, p. 36-45), in spite of slow implementation into national law in certain Member States, has introduced a certain degree of competition in the groundhandling sector at Community airports, leading to a downward pressure on prices. One of the open questions with regard to the Groundhandling Directive has been its

possible revision: stakeholders have identified a need for simplification of the Groundhandling Directive and for clarification of certain of its provisions. Additionally, there would be a need to have other issues covered by regulation such as insurance requirements and quality standards. The status of the liberalisation of the groundhandling market will now be discussed in the Council and the European Parliament before new initiatives are taken by the Commission

Communication on airport capacity, efficiency and safety

The Commission analysed the need for initiatives in light of the expected airport congestion due to the expected traffic increase.

The Communication highlights five key actions to be developed urgently in order to accommodate future traffic levels. A timetable for the development of these actions is attached to the document.

These key actions consist of:

- making better use of existing airport capacity;
- provision of a coherent approach to air safety operations at airports;
- promotion of co-modality of transport modes;
- the improvement of environmental capacity of airports and improvement of the planning framework for new infrastructure; and
- the development and implementation of new technology.

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General Aviation

On 1 February 2007 the European Commission issued a discussion paper on General Aviation in the European Community. Referring to the definitions of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944 (article 6 and Annex 6), General Aviation encompasses aircraft operations other than commercial air transport operations or aerial work operations. It includes a broad scope of activities, ranging from the operation of business jets to recreational flying. With the emergence of the so-called 'Very Light Jets' (jet aircraft with a passenger capacity of about 6 people) and the growth of various ownership schemes and usage products for business jets, the General Aviation sector is expected to increase.

The discussion paper identifies certain regulatory issues. The European aviation *acquis* already applies in certain instances to General Aviation. For example, Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers (OJ L 240, 24.8.1992, p. 1–7) provides for less stringent financial requirements for the delivery of an operating license to a carrier exclusively engaged in operations with aircraft of less than 10 tonnes MTOW (maximum take off weight) and/or less than 20 seats (Article 5, par. 7).

The proportional application of other regulatory instruments should also be investigated, e.g. the possibility of including (parts of) General Aviation in the emissions trading scheme (cf. [Brussels Air News Issue 21](#)); the role and competencies of the European Aviation Safety Agency (EASA) with regard to various activities of General Aviation, etc.

Stakeholders are invited to submit their comments on the discussion paper by 1 April 2007.

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Italian Tortoli-Arbatax Airport: public funding allowed

On 24 January 2007, the Commission approved Italy's plans to publicly finance the extension of the infrastructure at Tortoli-Arbatax Airport. The airport serves an isolated area at the eastern coast of Sardinia: the Commission found that the proposed investments are in line with the Community guidelines on financing of airports and start-up aid to airlines departing from regional airports (OJ C 312/1, 9.12.2005) as the funding aims to achieve a clearly defined objective of general interest, without causing undue market distortion.

Italy is allowed to invest over € 3 million for upgrading and extending the airport runway, the passenger terminal, the perimeter road and other installations

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The European Commission initials two new horizontal agreements

On 24 January 2007 and on 7 February 2007, the Commission initialled two new horizontal agreements with, respectively, the United Arab Emirates and Panama, in order to bring the existing bilateral agreements between Member States on the one hand, and these countries on the other hand, in line with Community law following the “open skies” judgments of the European Court of Justice. These judgments require *inter alia* that nationality restrictions be replaced by a Community carrier designation (see [Brussels Air News, issue7](#)).

The new horizontal agreements have yet to be submitted to the Council for approval and signing.

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