

## **“Your Voice” Consultation on the impact assessment for a possible revision of Directive 96/67 on the access to the groundhandling market at EU airport**

### **Detail of responses**

The “Your Voice” Public Consultation on the impact assessment for a possible revision of Directive 96/67 on “the access to the groundhandling market at EU airports” was posted on the Europa website (“Your Voice”) between 4 December 2009 and the 17 February 2010.

The full text of the consultation is still available at: [http://ec.europa.eu/transport/air/consultations/doc/2010\\_02\\_12\\_groundhandling\\_consultation.pdf](http://ec.europa.eu/transport/air/consultations/doc/2010_02_12_groundhandling_consultation.pdf)

The present document gives the full text of the responses submitted to the public consultation for a possible revision of directive 96/67 on the access to the groundhandling market at EU airports. Before each answer, the text of the relevant question and its numbering in the consultation questionnaire are also indicated as contextual information.

Attention is drawn on the fact that this document only contains contributions made by respondents who agreed to make their contribution public (66 contributions out of 103).

The responses are classified according to the type of respondents (Airlines or airlines' association, then airports or airports' associations, etc.) in alphabetical order. The type of respondents was defined by the respondents themselves as a part of the consultation.

Here is the list of respondents whose contribution is published in this document:

#### Airlines of airlines' associations

1. Association of German Airlines (BDF - Bundesverband der Deutschen Fluggesellschaften e.V.)
2. SWISS International Air Lines
3. Cathay Pacific Airways Limited
4. SAS Scandinavian Airlines
5. easyJet
6. EUROPEAN REGIONS AIRLINE ASSOCIATION (ERA)
7. European Federation of AOC - EFA
8. ASSOCIATION OF EUROPEAN AIRLINES
9. Cargo Working Group - A.O.C. Milan Malpensa Airport (Italy)
10. Board of Airline Representatives in Switzerland
11. LOT Polish Airlines S.A.
12. ABBA - Alliance of ACMAB, BAR, BATA, AOC
13. IACA - International Air Carrier Association
14. International Air Transport Association (IATA)

#### Airports or airports' associations

15. Airports Council International Europe (ACI EUROPE)
16. Cork Airport, Dublin Airport Authority
17. Infratil Airports Europe Limited
18. Belfast International Airport Limited
19. Exeter International Airport
20. Flughafen Hamburg GmbH
21. Airport Users Committee Heathrow (AUC)
22. BAA
23. Gatwick Airport Limited
24. Flughafen München GmbH
25. Mitteldeutsche Flughafen AG
26. Letiště Praha, a.s.

27. 'Polish Airports' State Enterprise - Warsaw Fryderyk Chopin Airport
28. Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V. (ADV)
29. Société de l'aéroport de Luxembourg SA
30. Cologne Bonn Airport
31. Manchester Airports Group plc

Associations/NGOs

32. Malta Business Aviation Association
33. European Express Association (EEA)
34. Belgian Airfreight Institute BAFI

Freight integrators

35. Deutsche Post DHL

Groundhandling providers or groundhandling providers' associations

36. IAHA European Regional Group
37. Servisair UK Limited
38. Globalia Handling
39. Vereinigung der Dienstleister an Deutschen Flughäfen e.V. (VDF)
40. DC Aviation Ltd.
41. PETROLOT Ltd., PL 02-159 Warsaw, J. Gordona Bennetta Str. 2,
42. Asociación de Empresas de Servicios de Asistencia en Tierra en aeropuertos(ASEATA)

National governments

43. DG Bulgarian Civil Aviation Administration
44. ENAC - Italian civil aviation authority
45. Belgian Civil Aviation Authority
46. Gazdasági Versenyhivatal - Hungarian Competition Authority
47. LfV Group of Airports and ANS, SWEDEN
48. Federal Ministry of Transport, Building and Urban Development
49. DGAC (Direction Générale de l'Aviation Civile française)
50. Civil Aviation Office - Poland
51. DG. Civil Aviation
52. Civil Aviation Authority
53. Civil Aviation Authority

Other

54. Norton Rose LLP
55. Air Transport Users Council

Regional governments

56. The State Ministry for Economic and Labour Affairs of the Free and Hanseatic City of

Unions and workers' associations

57. Swedish Transport Workers Union
58. ACV-CSC TRANSCOM (ACV TRANSPORT EN COMMUNICATIE)
59. STHA - SINDICATO DE TRABAJADORES DE HANDLING EN AEROPUERTOS DE ESPAÑA
60. European Transport Workers ' Federation
61. United Services Union - Vereinte Dienstleistungsgewerkschaft, ver.di
62. union workers

Citizens

63. citizen 1
64. citizen 2
65. citizen 3
66. citizen 4

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Association of German Airlines (BDF - Bundesverband der Deutschen Fluggesellschaften e.V.)**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The Association of German Airlines (BDF) represents most of Germany's air carriers (scheduled, charter and low fare). Our member airlines transport more than 120 million passengers worldwide. The BDF associated airlines employ more than 120.000 people.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

BDF believes that no unreasonable restrictions should be placed on licensed ground handlers (third party and selfhandling) who wish to subcontract, provided that any subcontractor is subject to the same general conditions as the main contractor. All market participants should be allowed to subcontract. However, BDF recognizes that subcontracting must not be abused or lead to a deterioration in quality or safety standards. Therefore, the main contractor shall remain fully liable for all actions of the subcontractor, hence it is not necessary that the subcontractor has to fulfill the same requirements as the main contractor under the license. If access to security sensitive areas (e.g. airside or transit area) is needed, the airport must be informed about the subcontracting, for security reasons. The possibility of subcontracting is especially important reflecting the restriction of a maximum period of seven years. Subcontracting minimizes the risk of operation of expensive equipment with useful time of usage sometime nearly double than seven years - like aircraft pushbacks or passenger busses or to provide special services that are restricted under the Directive but not part of "normal" standard services.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

BDF sees no need for the regulation of quality standards at European level or national level as well. Quality forms part of the services agreed in the contract between airlines and their ground handlers and should be defined by the airline itself. Should an agreement be necessary at a specific airport, this should be done in collaboration with the airport users. Further, IATA and the ground handling industry have agreed, through the development of the AHM and e.g. the audit standards for the IATA Safety Audit for Ground Operations (ISAGO) program, that proper qualification and training - in all relevant areas including baggage handling - for ground handling staff is essential and should be based on common, agreed protocols. All major ground handling companies (as well as many smaller players) are on board with the program and are progressively submitting their numerous stations for the ISAGO audit.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

In general, BDF believes that this issue shouldn't be regulated neither by the EC nor by the Member States through national legislation, as, we fail to see any particular and evident reasons for the need of additional legislation and last but not least why ground handling should be subject to such measures when other sectors are not. The ECJ rulings on this issue shall not be overturned, but the EC should rather have a look at measures like in Spain, where effective and fair competition is

blocked through the backdoor by implementing far reaching provisions on the transfer of staff and their working conditions, incl. wages, benefits etc. granted by the former employer.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The total liberalization of the groundhandling market will improve working conditions. The restriction of maximum number of independent supplier of groundhandling services and the maximum licence period of seven years creates an unnecessary risk of unemployment. The employer minimizes his risks resulting from losing the license and may only use temporary contracts. This leads together to a higher fluctuation rate which influences the level of quality and cost efficiency as well.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

A requirement for the airport users (i.e. airlines operating at European airports) to be physically present is unrealistic. It is not legally possible for airlines, under their AOC, to be legally represented by a ground handler. Furthermore the examples given (slots, financial commitments) are outside the scope of activity of a ground handler.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

BDF has no specific comments on this question as BDF sees no link between the issues mentioned and liberalisation. We point out that also the various reports prepared for the Commission found no link between safety/security concerns and market liberalisation.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

BDF believes that the 7-year licence period, which is applied when the number of suppliers of ramp services is limited, should be a minimum unless very special circumstances prevail at an airport. However this period could be extended, particularly when the service provider is required to invest in expensive infrastructure projects and/or equipment, provided proper exit clauses are in place to cancel or shorten the contract in cases of poor quality of service and/or excessive prices. The 7-year licence period is a clear competitive disadvantage for the companies, especially at German Airports where all competitors - owned by the respective airport - have an open-end licence. This is already a serious impediment to fair competition. From the airlines, as customers, point of view it leads to disadvantages among airlines, especially for those airlines with additional requirements to groundhandling equipment. These are e.g. airlines operating with only widebody aircrafts, freighters, airlines with specific requirements beyond standard services for example. A longer contract period in such cases would allow for better planning on the part of the service provider and the opportunity for lower unit costs. However, if the market is fully liberalised, this question becomes irrelevant, as the market would decide.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Where a selection procedure and / or tender are required due to a limitation in the number of handlers, BDF believes that users must play a key role at all stages of the selection process. This applies to both the definition of the selection criteria and decision-making. It is currently too easy for an airport or even authority to refuse the selection of the airport users, even when a candidate has obtained a clear majority in the vote. The process should be amended to ensure that the users' choice and opinions really count in the selection process and cannot be overturned, except in

exceptional circumstances. However, in cases where an airline also acts as a third party provider, its voting powers may be limited where selection of competitors is concerned.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

BDF supports the principle that there should be no artificial limit on the number of self- and third-party handlers at European airports, and an airport user should always have the alternative to self-handle. However, on very rare occasions the lack of physical space may constitute an exceptional constraint which could limit the number of handlers. In such cases the Member States concerned, in consultation with the Airport Users' Committee, should evaluate this constraint at each airport based on objective and transparent criteria, without compromising safety, security and operational efficiency.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

BDF believes that the criteria for assessing a fee for the use of airport installations should be based on the principles applied in the Airport Charges Directive, i.e. transparency, cost-efficiency, cost-relatedness and consultation with airport users. There should be provisions that clarify that an airport is not allowed to levy charges twice, especially from different users like airlines and groundhandlers, for the same infrastructure. Furthermore the "reasonable profit margin" should not include any "risk factor", due to the monopoly character of centralized infrastructures and other essential facilities of the airport.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

BDF supports the setting up of an independent authority to monitor fees and charges for airport installations. As this issue may already be addressed by the Directive 2009/12, there should be a corresponding provision in a revised groundhandling Directive as in the Charges Directive: "airport charge" means a levy collected for the benefit of the airport managing body and paid by the airport users for the use of facilities and services, which are exclusively provided by the airport managing body and which are related to landing, take-off, lighting and parking of aircraft, and processing of passengers and freight."

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The creation of separate legal entities is the best way to ensure strict separation of accounts but may not be necessary if detailed transparency (breakdown of charges, only adequate internal calculatory costs etc.) is ensured through the separation of accounts and respective auditing. With a view to ensuring, in particular, that the charges levied on an air carrier are commensurate with the services provided, and that these charges do not serve to finance activities of the managing body other than those relating to the provision of such assistance, the charges should be adopted and applied in full transparency. An external auditor should be used to verify compliance. This requirement shall only apply to such groundhandling providers that have a monopoly in other business segments, directly related to the provision of groundhandling services, and where there is the possibility of cross-financing groundhandling with other revenues, leading to distortions of competition. This is generally only the cases where airports act as local airport operators and groundhandling providers. In such cases the independent supervisory authority of Directive 2009/12 should get access to the auditor's report, too.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

See question 15. Any cross subsidization between centralized infrastructure and ground handling should be forbidden, with compliance verified by the external auditor. These auditors should also be accessible for the Independent supervisory authority of Directive 2009/12.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

There is no justification for favoring airports by allowing them to provide ground handling services without being subject to the same selection procedure as other service suppliers. The reasoning used in 1996 to justify the mandatory separation of accounts can still be used today to require that airports be submitted to the selection procedure. This reasoning is Whereas Clause 19 of the Directive: "whereas the managing body of the airport may also supply ground-handling services and, through its decisions, may exercise considerable influence on competition between suppliers of ground-handling services."

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

BDF is opposed to auctioning of airport premises. If a ground handler pays a higher price for the location, in a restricted market these higher prices will be directly passed on to the airlines. At existing airport facilities, the airport and the airline community should decide jointly on such matters based on transparent and objective criteria. Airports should determine the maximum possible number of ground handlers, in consultation with the Airport Users' Committee, so that any restriction will be based on a common understanding and will take into account the competitive situation and available space at the airport, and be based on transparent and objective criteria. If potential traffic development demands additional capacity then the airport, with input from the airline community, should take action to provide such additional capacity based on a solid business case. In such cases the airports and the Airport Users should jointly determine the number of handling service providers that can reasonably operate at the airport. The airport should be required to justify any deviation from this process to the AUC. Airports must not be allowed to abuse their dominant position to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities including ground handling. BDF generally believes that issue of space constraints is overestimated. We see no direct link between the number of licenses and the total space needed. This is especially the case for the areas where the most space constraints occur. It is the baggage sorting system and its area and the areas around the aircrafts. There won't be more baggage in a fully liberalized market. There won't be more traffic in the area of the sorting system as well.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See above.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

BDF is concerned that the level of harmonization contained in the current Directive on Ground Handling is not adequate. The major differences in the implementation and level of enforcement of the Directive are the various degrees of market limitations, under the current Directive only subject to political considerations. This leads to market distortions and unfair competition within the EC. This is particularly evident in Germany where only a maximum of two operators is allowed,

independent from the airports traffic volume and its variety of airline business models! But also in Portugal, Spain and France there aren't any objective reasons for the thresholds being implemented. A real and effective harmonization could be achieved for example by fully liberalising the ground handling market or by introducing an adequate minimum number of handlers (perhaps based on airport size), or by requiring airports to evaluate objective criteria in the same way as for the determination of a maximum number of handlers (see question 23).

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

In a market that is not liberated, a stepped threshold could apply, as stipulated in the Commission's proposal of 2006: "It is appropriate to allow a third provider when the annual traffic at an airport is above 10 million passengers or 100,000 tonnes of cargo. At the largest Community airports where the annual traffic is more than 20 million passengers or 200,000 tonnes of freight, there is ample room to allow for a number of four suppliers of ground handling services." However, in a fully liberated market there would be no need for any additional threshold. The examples of liberalized markets at airports like AMS, LHR, CPH, ZRH show that the market regulates itself without any compromises with respect to quality, safety or social conditions.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

BDF supports the application of the Directive to all airports irrespective of their traffic volume. However, if a threshold - e.g. 200,000 Passengers - is to be applied then once an airport has reached that level of traffic and the requirements of the Directive are applicable, that airport should remain a regulated airport until such time as it could be reasonably determined that the fall in traffic is of a long-term nature and is not due to a short-term crisis as witnessed during the current economic downturn. For this purpose, and to provide assurances to current and potential ground handling service providers and airlines, we recommend that a 3-year observation period be stipulated to determine the nature of the fall in traffic.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

At present airports or Member States can set the number of handlers and some Member States - especially Germany - limit the number of handlers allowed to operate at their airports without giving any reasons but rather for mere political reasons, even if it is evident that the Member State is shareholder of the independent competitor. BDF believes that at least objective criteria should be established that Member States would have to respect when taking a decision to limit the number of handlers at an airport.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

We do not believe that Member States should be involved in setting standards for quality and training. These should be defined as part of the contract between the two parties. In addition, IATA's ISAGO Program, which requires ground handlers to demonstrate conformity with 300+ agreed standards, promotes safety, efficiency, good training and personnel management practices, and environmental compliance, is already being used for training purposes. States should only be allowed to specify that service providers should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Although BDF does not see any necessity for such provisions, as e.g. ISAGO requires that the ground handler shall have a corporate training program that specifies standards to ensure personnel at all stations, to include personnel of subcontractors, who perform duties in functions within the scope of ground operations (hereinafter "operational ground handling personnel"), complete initial and recurrent training in accordance with requirements of the Ground Handler, relevant authorities and customer airlines. Therefore in those many cases where e.g. ISAGO or other comparable requirements can be applied, training and quality provisions are de facto well covered.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

BDF is in favor of the widest possible definition of self-handling, including for airlines' code-share partners and for franchise flights. Ground handling is an essential part of the overall product airlines offer to their passengers, and the possibility to integrate code-share partners and/or franchise operators shouldn't be limited to contracts with third party handlers. A wider definition would also promote economies of scale between alliance partners. Moreover, allowing a sufficient number of handlers at an airport would lead to the same result.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

No special provisions need to be made as the current Directive's provisions connected with the proposed clarification and amendment with regard to subcontracting are sufficient to suit the needs of freight carriers or integrators, too. Special provisions may indeed bear the risk of discriminating other users with other special requirements. For instance, a differentiation between integrators and general air cargo airlines with regard to ground handling would clearly distort fair competition, because general cargo airlines just as heavily dependent on night operation as integrators. In fact, the business models of integrators on the one hand and air cargo airlines and freight forwarders on the other have become more and more similar. Indeed, with respect to on-airport operations, hardly any distinction at all can be made between the two. Hence, it would be entirely inappropriate to grant special privileges to one type of operator but not to the other. Furthermore any differentiation between cargo (freight or Integrator) and passenger airline business, where also various business models with different requirements on groundhandling exist, would lead to discriminatory situations that are not objectively justified. Apart from the answers above, an adequate opening up of the market would suit all users' needs of best.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

We do not understand the background to this question.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

BDF believes that any fee for the use of centralized infrastructure should be subject to a set of minimum criteria and subject to the Directive 2009/12/EC. Since the introduction of the ground handling Directive new charges have been introduced by a growing number of airports as an additional source of revenue, to pay for the so-called centralised infrastructures which were previously already covered by other charges paid either by the airline or the passenger (and which have not been dropped or lowered). There should be a clearer Europe-wide definition of the elements of the so called "central infrastructure". A better regulation of the charges for Centralized Infrastructure will lead to more efficiency and quality as well. Therefore an appropriate implementation of the directive 2009/12/EC on airport charges will be very important, too.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)



The EU has already commissioned several studies on ground handling, in particular the ECORYS study on the effects of liberalizing the whole air transport sector, including ground handling. The most recent study analyses the impact of Directive 96/67 on Ground Handling Services 1996-2007 (Airport Research Centre, February 2009). There is a necessity for further regulation with regard to handling license succession in the case of failure of handling license holders. At an airport - like all German airports - where only two handling licenses exist, a ceasure of one handling agent's services leads to a monopolistic situation. The re-issuance of a license takes months, as the legal definition of a ceasure of services is unclear and the legal means to enforce an existing agent to return the license are limited. This leads to increasing prices for ground handling and increasing ticket prices for the airline customer. It should be considered to have an unlimited number of licenses or to define substitutes during license tenders to guarantee a quick roll-over in case of a failure of an existing license holder.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**SWISS International Air Lines**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Head Airport Affairs

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

SWISS International Air Lines fully endorses the AEA document in this respect with all the answers to all questions being given there. No duplication from our side.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as

the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

As said above, SWISS fully endorses all the answers and inputs form AEA to this questionnaire.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Cathay Pacific Airways Limited**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

International scheduled passenger and all-cargo airline operating to/from the area under review.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The Directive should expressly allow sub-contracting for both self and third party handlers. Authorities should be informed of any subcontracted service and the provider thereof but should not unreasonably withhold it. Self-handlers and licensed third party handlers shall nevertheless retain full liability for the performance of their sub-contractors. The sub-contractor must have the required expertise and trained staff to perform all required activities in line with quality, safety and security standards set by the contracting parties (airlines or third party handlers) and internationally recognised ground operational best practices and - for fuel services - by the oil industry.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The current provisions in the Directive should not be amended. IATA and the ground handling industry have agreed, through the development of the audit standards for the IATA Safety Audit for Ground Operations (ISAGO) program, that proper qualification and training - in all relevant areas including baggage handling - for ground handling staff is essential and should be based on common, agreed protocols. The training provisions are included in the IATA Airport Handling Manual 611, and in the ISAGO Standards Manual. Fuel infrastructure providers/operators and intoplane service providers should adhere to IATA and Oil Industry standards. The licensing of companies or staff by individual airports is not supported. Staff training to meet IATA and Oil industry standards, including training in the IATA Standard Intoplane Fuelling Procedures for intoplane operators, is supported. Implementing IATA and oil industry standards will ensure quality of the product, improve safety and have the potential to reduce industry costs.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

No comment as this falls outside the scope of the Directive.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

No comment.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

The suggestion that an airline should be legally represented by a groundhandling agent at an outstation is opposed. It is not feasible for airlines to be legally represented in this manner. The examples given (slots, financial commitments) are generally outside the scope of activity of a groundhandler.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

The implementation of Safety Management Systems for all GSPs and the practice of a "non-punitive" reporting policy that facilitates reporting of ground operations incidents, accidents and precursor events is strongly supported. Safety performance must be amongst the priority criteria in the selection process of ground handling providers at community airports.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

A possible extension of the contract period, provided proper exit clauses are in place to react to poor quality of service and/or excessive prices, is not opposed.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

The proposal that the user committee should play a decisive role in the selection procedure is strongly supported. This applies to both the definition of the selection criteria as well as the decision-making.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

There should be no artificial limitation of self-handlers and an airport user should always have the alternative to self-handle. In exceptional cases where physical space is the limitation, objective and transparent criteria should be determined at each airport, together with the Airport User Committee, without compromise to safety, security and operational efficiency. While there may be constraints regarding the number of fuel infrastructure facilities and intoplane service providers, there should be no such restrictions for the supply of jet fuel to the airport storage. Therefore any airline that wishes to supply jet fuel must be allowed to do so provided such supply is subject to quality assurance and other objective and transparent criteria set by the fuel facility operator.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

The provision of a centralized infrastructure constitutes a clear example of a monopoly situation, as the ground handler has no choice but to use the service in order to operate at that airport. Therefore, given the dominant position of the centralized infrastructure provider, it is essential to ensure reasonable fees for such services. The fee could allow for covering the related operational costs, depreciation and a reasonable cost of capital on invested assets, provided that the service is delivered in a cost-efficient manner and complies with ICAO's principles of cost-relatedness, transparency, consultation and non-discrimination. A reasonable rate of return should reflect the low risks born by the centralized infrastructure provider given its monopoly position. Therefore, a rate of return close to the yield of long-term government bonds would be appropriate.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and

charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

The monitoring of fees should be allowed whenever access to the market is limited. This is by definition the case for centralised infrastructure. Any such Regulator should be fully independent. Any appeal should suspend the introduction of the fee until a decision by the Regulator has been taken. Airport fuel infrastructure and/or into plane services, whether or not provided by the airport itself or any other monopoly, should be regulated by an independent authority. For this activity to be meaningful, clear guidance should be provided in the Directive regarding the framework for setting the applicable fees/charges and transparency.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The core issue is transparency and consequently the simple separation of accounts alone may not be sufficient. Where an airport operator is also involved in ground handling services, consideration should be given to the establishment of a separate legal entity for the performance of such services. A committee, formed of airport users and independent examiners, should be established to check compliance. This separate legal entity should be subject to the same regulations as other entities performing ground-handling services at the same location.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

See question 15

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

There is no justification for favouring airports by allowing them to provide ground handling services without being subject to the same selection procedure as other service suppliers. The selection of a handling service provider without a tender process could lead to competitive distortion.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The auctioning of airport premises is opposed. If a ground handler pays a higher price for the location, in a restricted market these higher prices will be directly passed on to the airlines. Joint decision making by the airport and the airline community, based on transparent and objective criteria, is supported. If potential traffic development at the airport demands additional capacity then the airport, with input from the airline community, should take action to provide such additional capacity based on a solid business case. Airports must not be allowed to abuse their dominant position to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities including groundhandling.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See Question 18

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

The aim of the Directive is to liberalise the market and the minimum number of ground handlers could be harmonised at three. However, there should be no harmonised maximum. Objective criteria should be used and this is where harmonisation could be helpful. The harmonization of quality, safety, reliability and security standards for jet fuel storage and intoplane services is supported and, for this very purpose, the full implementation of the IATA and Oil industry standards is also supported.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

See above (Q20) While it may be more economic under certain conditions to provide fuel infrastructure as a centralized function, the supply of jet fuel and its marketing to the airlines should be open at all airports. If there are technical issues related to the ability of a fuel farm to receive supply from different parties then timely action should be taken to resolve these matters. Such decisions should be taken in full consultation with the airline industry.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

The Directive should apply to all airports irrespective of their traffic volume. However, if a threshold is to be applied then, once an airport has reached that level of traffic and the requirements of the Directive are applicable, such airport should remain a regulated airport until such time as it could be reasonably determined that the fall in traffic is of a long-term nature and is not due to a short-term crisis as witnessed during the current economic downturn. For this purpose and to provide assurances to current and potential groundhandling service providers and airlines, it is recommended that a 3 year observation period be stipulated to determine the nature of the fall in traffic. There is no requirement to consider airports as reaching the threshold when traffic increase is due to a one off event such as a major sporting event.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

See above (Q20) With regard to the supply of jet fuel, all airports should be open to competition and any supplier, meeting objective criteria, should have access to the centralised fuel infrastructure at the airport. Please also refer to the response to question 21. Into-plane service is clearly an airside ground handling activity. It is important that there is competition among all service providers. It is further essential that the airlines have the opportunity to select the into-plane provider if they so chose and are granted the opportunity to select the into-plane service provider independent from contracting for the supply of Jet Fuel.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

The use of the ISAGO Program by Member States to help in defining their approval criteria is supported (see question 5). Since ICAO has no material on which States can base Regulations for ground handlers, there are few current regulatory requirements in place and no consistency between States where such requirements do exist, therefore ISAGO can provide a practical alternative. The ISAGO program is already well known and being implemented globally. ISAGO, which requires ground handlers to demonstrate conformity with 300+ agreed standards, promotes safety, efficiency, good training and personnel management practices, and environmental compliance. ISAGO is not the complete answer however, since at this stage of the program's development the system is not yet set up to audit all categories of companies (e.g. cleaning companies, catering companies) operating on the airport apron. In such few cases, States could specify that such service providers should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.



(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

ISAGO requires that the ground handler shall have a corporate training program that specifies standards to ensure personnel at all stations, including personnel of subcontractors, who perform duties in functions within the scope of ground operations (operational ground handling personnel), complete initial and recurrent training in accordance with requirements of the Ground Handler, relevant authorities and customer airlines. The Ground Handler should have corporate standards to ensure operational ground handling personnel undergo evaluation or testing by written, oral or practical means, as applicable, to demonstrate adequate knowledge, competency and/or proficiency to perform duties, execute procedures and/or operate equipment. ISAGO requires ground handlers to be in compliance with whatever environmental laws/regulations are in effect at each location. Therefore, in those many cases where ISAGO can be applied, training and quality provisions are already well covered.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

An airport user should always have the possibility to self-handle, and this should include its code-share partners as well as franchising. Ground handling is an essential part of the overall product airlines offer to their passengers, and the possibility to integrate code-share partners and/or franchise operators shouldn't be limited to contracts with third party handlers.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Cargo operators should be allowed to handle the flights of all aircraft in their network, even those operated by subcontractors.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

No comment.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Further to the decision of the ECJ in the Hannover case, such fees should be subject to minimum criteria (at least those prescribed by the Directive on airport charges, including an independent authority to monitor the level of such fees). Airlines should not pay twice through a fee and an airport charge. The fee should be cost-related and cost efficient. As stated, the definition of centralized infrastructure requires clarity. Fuel infrastructure including the fuel farm and the hydrant system, irrespective of ownership, whether or not owned/operated by the airport management, must be included within the definition of centralized infrastructure when provided on a monopoly basis and hence be subject to the groundhandling directive. Such clear inclusion within the scope of the directive will require the provider of such infrastructure to allow open access to the facilities and to provide detailed transparent cost justification for fees/charges and prevent the abuse of dominant position.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

No comment.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

No comment.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**SAS Scandinavian Airlines**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

SAS Scandinavian Airlines transported 25 million passengers and 248000 tonnes of cargo in 2008. SAS operates scheduled and charter flights to over 150 destinations. SAS is a major buyer of ground services, and is also selling ground services to other airlines at several airports in Scandinavia.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

SAS believes that no unreasonable restrictions should be placed on ground handlers who wish to subcontract, provided that any subcontractor is subject to the same general conditions as the main contractor. All market participants should be allowed to subcontract. However, AEA recognises that subcontracting must not be abused or lead to a deterioration in quality or safety standards. Furthermore, the main contractor shall remain fully liable for all actions of the subcontractor. If access to security sensitive areas (e.g. airside or transit area) is needed, the airport must be informed about the sub-contracting, for security reasons.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

SAS sees no need for the regulation of quality standards at European level. Quality forms part of the services agreed in the contract between airlines and their ground handlers and should be defined by the airline itself. Should an agreement be necessary at a specific airport, this should be done in collaboration with the airport users. Further, IATA and the ground handling industry have agreed, through the development of the audit standards for the IATA Safety Audit for Ground Operations (ISAGO) program, that proper qualification and training - in all relevant areas including baggage handling - for ground handling staff is essential and should be based on common, agreed protocols. All major ground handling companies (as well as many smaller players) are on board with the program and are progressively submitting their numerous stations for the ISAGO audit.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

We fail to see why ground handling should be subject to such measures when other sectors are not. In general, SAS believes that this issue should be regulated by the Member States through national legislation.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

A requirement for the airport users (i.e. airlines operating at European airports) to be physically present is unrealistic and would be very expensive for the airlines. Where customers have a complaint (e.g. in cases of mishandled baggage), the carriers could be obliged to provide a toll free telephone number for them to contact. It is not possible for airlines to be legally represented by a ground handler. The examples given (slots, financial commitments) are outside the scope of activity of a ground handler.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

SAS has no specific comments on this question. We would point out however that the various reports prepared for the Commission found no link between safety/security concerns and market liberalisation.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

SAS believes that the 7-year licence period, which is applied when the number of suppliers of ramp services is limited, should be a minimum unless very special circumstances prevail at an airport. However this period could be extended, particularly when the service provider is required to invest in expensive infrastructure projects and/or equipment, provided proper exit clauses are in place to cancel or shorten the contract in cases of poor quality of service and/or excessive prices. A longer contract period in such cases would allow for better planning on the part of the service provider and the opportunity for lower unit costs. However, if the market is fully liberalised, this question becomes irrelevant, as the market would decide.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Where a selection procedure and / or tender is required due to a limitation in the number of handlers, SAS believes that users must play a key role at all stages of the selection process. This applies to both the definition of the selection criteria and decision-making. It is currently too easy for an airport to refuse the selection of the airport users, even when a candidate has obtained a clear majority in the vote. The process should be amended to ensure that the users' choice and opinions really count in the selection process and cannot be overturned, except in exceptional circumstances. In order to maintain a fair balance of power between all airlines, voting powers should adequately reflect the market share of each airline. However, in cases where an airline also acts as a major third party provider, its voting powers may be limited where selection of competitors is concerned.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

SAS supports the principle that there should be no artificial limit on the number of self- and third-party handlers at European airports, and an airport user should always have the alternative to self-handle. However, on very rare occasions the lack of physical space may constitute an exceptional constraint which could limit the number of handlers. In such cases the Member States concerned, in consultation with the Airport Users' Committee, should evaluate this constraint at each airport based on objective and transparent criteria, without compromising safety, security and operational efficiency.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

SAS believes that the criteria for assessing a fee for the use of airport installations should be based on the principles applied in the Airport Charges Directive, i.e. transparency, cost-efficiency, cost-relatedness and consultation with airport users. Moreover, the Ground Handling Directive “precludes the Managing body of an airport from making access to the ground handling market in the airport subject to payment be a supplier of ground handling services or self handler of an access fee as consideration for the grant of a commercial opportunity, in addition to the fee payable by that supplier or self handler for the use of the airport installations”.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

SAS supports the setting up of an independent authority to monitor fees and charges for airport installations. Currently charges applied for access to centralized infrastructure vary from airport to airport and there are discrepancies between the access fees ground handlers are obliged to pay at airports. The independent authority could also be responsible for appeals against implementation of the selection procedure in cases where an airport is providing restricted ground handling services.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The creation of separate legal entities is not necessary if detailed transparency (breakdown of charges, etc.) is ensured through the separation of accounts. With a view to ensuring, in particular, that the charges levied on an air carrier are commensurate with the services provided, and that these charges do not serve to finance activities of the managing body other than those relating to the provision of such assistance, the charges should be adopted and applied in full transparency. An external auditor should be used to verify compliance.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

See question 15. Any cross subsidization between centralized infrastructure and ground handling should be forbidden, with compliance verified by the external auditor.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

There is no justification for favoring airports by allowing them to provide ground handling services without being subject to the same selection procedure as other service suppliers. The reasoning used in 1996 to justify the mandatory separation of accounts can still be used today to require that airports be submitted to the selection procedure. This reasoning is Whereas Clause 19 of the Directive: “whereas the managing body of the airport may also supply ground-handling services and, through its decisions, may exercise considerable influence on competition between suppliers of ground-handling services.”

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

SAS is not in favour to auctioning of airport premises. If a ground handler pays a higher price for the location, in a restricted market these higher prices will be directly passed on to the airlines. At existing airport facilities, the airport and the airline community should decide jointly on such matters based on transparent and objective criteria. Airports should determine the maximum possible number of ground handlers together with the Airport Users' Committee, so that any

restriction will be based on a common understanding and will take into account the competitive situation and available space at the airport, and be based on transparent and objective criteria. If potential traffic development demands additional capacity then the airport, with input from the airline community, should take action to provide such additional capacity based on a solid business case. In such cases the airports and the Airport Users should jointly determine the number of handling service providers that can reasonably operate at the airport. The airport should be required to justify any deviation from this process to the AUC. Airports must not be allowed to abuse their dominant position to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities including ground handling.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See question 18 above.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

SAS supports the level of harmonization contained in the current Directive on Ground Handling. However, differences in the implementation and level of enforcement of the Directive are subject to political considerations and lead to market distortions and unfair competition. A real and effective harmonization could be achieved for example by fully liberalising the ground handling market or by introducing an adequate minimum number of handlers (perhaps based on airport size), or by requiring airports to evaluate objective criteria in the same way as for the determination of a maximum number of handlers (see question 23). SAS also supports the harmonization of the establishment of charges for centralized infrastructure (independent supervisory authority, transparency, cost efficiency, etc.) based on the provisions of the Airport Charges Directive.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Opening of markets would lead to a wider choice of service providers implying better competition and lower costs for airlines. Opening of markets is a way to harmonize the markets in EU.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

SAS supports the application of the Directive to all airports irrespective of their traffic volume. However, if a threshold is to be applied then once an airport has reached that level of traffic and the requirements of the Directive are applicable, that airport should remain a regulated airport until such time as it could be reasonably determined that the fall in traffic is of a long-term nature and is not due to a short-term crisis as witnessed during the current economic downturn. For this purpose, and to provide assurances to current and potential ground handling service providers and airlines, we recommend that a 3-year observation period be stipulated to determine the nature of the fall in traffic.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

At present airports or Member States can set the number of handlers and some Member States limit the number of handlers allowed to operate at their airports. AEA believes that objective criteria should be established that Member States would have to respect when taking a decision to limit the number of handlers at an airport. In a market that is not liberated, a stepped threshold could apply, as stipulated in the Commission's proposal of 2006: "It is appropriate to allow a third

provider when the annual traffic at an airport is above 10 million passengers or 100,000 tonnes of cargo. At the largest Community airports where the annual traffic is more than 20 million passengers or 200,000 tonnes of freight, there is ample room to allow for a number of four suppliers of ground handling services.” These thresholds are reasonable. However, in a fully liberated market there would be no need for any additional threshold.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

We do not believe that Member States should be involved in setting standards for quality and training. These should be defined as part of the contract between the two parties. In addition, IATA’s ISAGO Program, which requires ground handlers to demonstrate conformity with 300+ agreed standards, promotes safety, efficiency, good training and personnel management practices, and environmental compliance, is already being used for training purposes. In cases where ISAGO is not yet completely operational (e.g. cleaning companies, catering companies) operating on the airport apron, States could specify that such service providers should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

ISAGO requires that the ground handler shall have a corporate training program that specifies standards to ensure personnel at all stations, to include personnel of subcontractors, who perform duties in functions within the scope of ground operations (hereinafter "operational ground handling personnel"), complete initial and recurrent training in accordance with requirements of the Ground Handler, relevant authorities and customer airlines. All IATA member airlines are obliged to pass the IOSA audit every two years. This process is the airline equivalent to the ISAGO audit for ground handlers. According to EASA OPS1 the final responsibility for the performance of the ground handlers they use to perform their operations rests with the airlines, so the combination of these two regulations will force the airlines to check the compliance of their ground handlers with regard to safety and quality issues. We also suggest that the Ground Handler shall have corporate standards to ensure operational ground handling personnel undergo evaluation or testing by written, oral or practical means, as applicable, to demonstrate adequate knowledge, competency and/or proficiency to perform duties, execute procedures and/or operate equipment. ISAGO requires ground handlers to be in compliance with whatever environmental laws/regulations are in effect at each location. Therefore in those many cases where ISAGO can be applied, training and quality provisions are de facto well covered. However, we do not espouse limiting any civil aviation or airport authority to mandating ground handlers to undergo only an ISAGO audit; as noted in the response to Question 24, a more broadly based condition required by States could include that the handler should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

SAS is in favour of the widest possible definition of self-handling, including for airlines’ code-share partners and for franchise flights. Ground handling is an essential part of the overall product airlines offer to their passengers, and the possibility to integrate code-share partners and/or franchise operators shouldn’t be limited to contracts with third party handlers. A wider definition would also promote economies of scale between alliance partners. Moreover, allowing a sufficient number of handlers at an airport would lead to the same result.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Cargo operators should be allowed to handle the flights of all aircraft in their network, even those operated by subcontractors (cf. reply to Question 26 on a wider definition of self-handling). This

would solve the problem of handlers being unable to service flights that operate during the night. However, liberalisation would accommodate any specific demand and the question demonstrates that there are specific needs and requirements that cannot be met by a one-size-fits-all approach by only allowing a limited number of suppliers of ground handling services.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

No comment.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

SAS believes that any fee for the use of centralized infrastructure should be subject to a set of minimum criteria. Since the introduction of the ground handling Directive new charges have been introduced by a growing number of airports as an additional source of revenue, to pay for the so-called centralised infrastructures which were previously already covered by other charges paid either by the airline or the passenger (and which have not been dropped or lowered). For instance, periodically airports need to replace or update their baggage handling systems, but this kind of renovation process should not automatically allow the airport to start collecting additional fees for a service which constitutes part of the airport operator's basic duties. This development has typically occurred at airports which have lost their handling monopoly and has helped them to collect additional revenue for services which had already been paid for.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

The EU has already commissioned several studies on ground handling, in particular the ECORYS study on the effects of liberalizing the whole air transport sector, including ground handling. The most recent study analyses the impact of Directive 96/67 on Ground Handling Services 1996-2007 (Airport Research Centre, February 2009).

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**easyJet**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

easyJet is a significant purchaser of ground handling services.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

No. It is unclear what the benefits of rules governing sub-contracting would be, or how they would be applied in practice. The Directive provides a framework for the regulation of ground handlers as economic entities, just as airlines are regulated as economic entities. We have seen no evidence that the directive's non-coverage of subcontracting is distorting the market for ground handling services.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

We see no advantage in the introduction of these solutions. We note that ground handling companies already require licences, so this would not be a new requirement. It is unclear what market failure these solutions would address. The objective of the directive is to create competitive markets for ground handling - intervening in this market would be counter to the intentions of the objectives. There is no intervention in the contractual arrangements airlines have in other areas - such as catering - and we can see no rationale for intervention in this market. We can see no workable way to apply performance indicators. Ground handlers are contracted by airlines, not airports, so airports are not in a position to determine performance indicators. Similar concerns would apply to any moves to have an independent body setting indicators. We can also see no rationale for individual licences. Ground handlers already go through security checks, and we can see no other reason to require them to obtain a licence. Finally, we would note that while we support safety standards being set for ground handlers, this is a matter for EASA.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

It is important that ground handlers are entitled to the same labour protections as everyone else. However, we can see no reason why there should be specific measures governing the transfer of ground handling staff. Additional measures would be likely to reduce the effectiveness of the ground handling market. This will increase costs for consumers and undermine the intentions of the directive. There is also a real risk that if additional measures increase the costs of ground handling the size of the market will be smaller, by reducing the number of flights available. This will reduce the jobs available to ground handlers, and limit the options available to consumers, with an overall negative impact on the economy.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

We have not seen any evidence that there is a systematic undermining of passenger rights where airlines do not have a permanent physical presence at airports. This is the central issue in this area. Airlines are responsible for ensuring that their passengers have access to their services, and that passengers receive their legal rights. Also, it is unclear whether this issue is within the scope of the directive. The intent of the directive was not to reflect either issues related to passenger rights or whether airlines have a permanent physical presence at airports. Therefore we can see no basis for expanding the directive to address these issues.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

No

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Ground Handling is not a capital intensive industry, compared for example to either airports or airlines. alongside this, as the consultation notes, investments are unlikely to be lost, they will be taken up by competing ground handlers. We note that this maximum does not apply where there are no restrictions on the number of providers. Therefore we see no reason to extend the maximum tender length period. An extension would risk undermining the competitive benefits of the market, as if the number of ground handlers is restricted tenders for the provision of service are essential to maintaining competition. Instead we believe the Commission should look at the case for reducing the maximum tender period, as it essentially acts to restrict competition.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

It is important that more account is taken of user preferences, as the services are for the benefit of users, not the airport. At a minimum airports should be required to set out why they did not follow an AUC's recommendation. However we believe that the ideal case would be that except where there is a conflict of interest the selection should be made by the AUC and not the airport.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

There is no simple mechanism to proscribe the approach in this area. If rules are set out we suggest that they be a simple set of principles that should be applied, for example that the decision improves competition in the market.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

The high level of charges for facilities access are one of the problems in the market. We believe the principle of cost relatedness should apply. If airports incur costs from providing access it is reasonable for these to be recovered, but charges should not exceed these costs, and we would expect airports to be required to set out the level of costs incurred.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and

charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

We see little need for further pro-active regulation in this area. However, we believe it is important that users have an appeals mechanism, and the regulators for the airport charges directive are likely to be the appropriate body for this.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

We agree that more precision on the separation of accounts is needed. This should be overseen by the regulator for the airport charges directive. However, we do not think this is necessary for all ground handling operations. This transparency requirement is only needed at airports where there are limits on the number of providers, and for airport owned ground handlers.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

We believe users should be able to request that a regulator audit accounts.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

We believe airport owned ground handlers should have to be part of the tender process.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The space used by ground handlers should be managed as part of the tender process, with tenders dependent on the spaces available. There should be an appeals process to the regulator to ensure this process is carried out fairly.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

We support the third option.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

We support the harmonising of the ground handling market. The main weakness of the directive has not been the directive itself, but its implementation across Member States, in particular through limits on the number of ground handlers at airports and the lack of transparency in cost reflectiveness in the pricing of airport access. Therefore the main should be on improving implementation; harmonising the directive across Europe would help achieve this.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

A full opening of the market would create significant benefits for consumers. Increasing competition at airports will allow users to achieve more competitive outcomes, allowing them to offer lower

fares and more choice to consumers. Significant problems remain in the ground handling market where competition is restricted. We have observed that at airports where there are restrictions ground handling charges are significantly higher than at airports without restrictions. We have also see that where new entrants enter a market prices drop by at least 25% or greater. We believe that the issue of further market opening is the key issue for any review of the directive, and we encourage the Commission to focus on this issue.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

As we outlined earlier we believe the main problems in this area lie in the lack of competition at some airports, caused by the restrictions placed on the number of ground handlers in the market. These are the weaknesses the Commission needs to address. Therefore we support moves to increase the competitiveness of the market, which will bring significant benefits to consumers. The best way to achieve this would be to fully open the market, however, increasing the minimum number of providers at larger airports is clearly a step in the right direction.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Limiting the extent to which approval conditions can be used would help ensure that the directive is equally applied across Europe, bringing benefits to consumers.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

We support a limited set of criteria as possible, and we do not believe it should include training or quality measures. Any safety issues need to be addressed through EASA, and any other measures would interfere with the operation of the market. The objective of the directive is to increase the levels of competition in the market. There is no rationale for Member States to seek to determine market outcomes.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

This infrastructure should be governed by a set of principles, in particular cost reflectiveness and transparency. These should be overseen by the airport charges regulator, with users having a right to appeal issues to the regulator.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

We suggest that the Commission also look at the Costs of ground handling across EU airports, in particular the impact of increased competition in the market.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**EUROPEAN REGIONS AIRLINE ASSOCIATION (ERA)**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

ERA member airlines are users of ground handling services

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

ERA believes that the Directive should allow unrestricted subcontracting of ground handling services thereby increasing the flexibility for the provision of ground handling. However, in doing so the license holder should assure itself that safety standards will not be eroded through sub contracting. Consideration should be given to ensuring that appropriate training and organisational procedures are put in place to assure this. A lack of an unrestricted market can lead to unintended consequences, for example, companies which have lost their license or whose license has been terminated are able to continue providing services as a subcontractor.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The Directive should not impose fixed quality standards. Airlines should be able to specify their own quality standards when establishing a ground handling contract. Fixed quality standards across Europe would reduce the flexibility for individual airlines to specify their own standards and may conflict with airline specific requirements. At airports where ground handling services are provided on a monopoly basis, or for monopoly provided services such as centralised infrastructures, there may be a need for minimum standards of service quality. However any ground handler must be able to demonstrate that it is able to achieve basic standards of quality, performance and service as defined by industry (eg IATA) before being awarded a contract.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Recognising that other EU legislation already exists which protect workers' rights, the Directive should not introduce specific measures to regulate working conditions in the ground handling sector. The introduction of special provisions on social conditions for ground handling workers will only lead to over-regulation and the singling out of ground handling workers over other workers, many of whom also work in competitive and liberalised industries.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

None - see answer to question 6

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

The Directive should not require airlines to be physically represented at remote stations or require an airline to designate a ground handler as its legal representative for matters not related to ground handling. In most cases the contracted ground handler will be the main operational point of contact between the airline and its customers but it is unlikely to be aware of issues such as the airport/airline relationship or the internal working procedures of the airline with respect to legal/commercial matters. The designation of a ground handler as a legal representative at remote stations is likely to add cost and complexity with little added benefit.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Recognising that safety and security remains the highest priority for air carriers and that existing legislation already ensures the safety and security of ground operations, the EU Directive should not be amended to address safety or security issues related to ground handling. Current legislation includes Regulation (EC) 300/2008 on establishing common rules in the field of civil aviation security and the requirement under EU OPS provisions for airlines to nominate a "Post Holder Ground Operations". Ultimately the airline must assure itself, by means of quality control and SMS programmes, of the safety and security of its operation even if certain tasks are subcontracted to ground handlers and will be subject to regular inspection by relevant control authorities (eg SAFA & EU security inspection). Additional legislation may serve to duplicate or even contradict existing legislation. Finally it should be noted that safety and security are very different issues and should be kept separate in any regulatory developments.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Ultimately the aim should be for a fully liberalised market in ground handling thereby removing the need for tender selection. The Directive should provide a stronger role for the Airport User Committee in the tender selection process subject to safeguards being put in place to prevent dominant carriers' unduly influencing decisions. ERA does not oppose the extension of the contract period for ground handling providers being extended beyond 7 years. The award of a contract should be based on an objective review of the services that will be provided by the tendering party and not on the basis of financial gain for the airport.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

See answer to question 10

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

The Directive should allow any operator the option to self handle where it can demonstrate that it is capable of doing so. This would provide the maximum opportunity for choice and flexibility by operators to reduce costs and ensure quality. In general, the interest in self-handling appears to be decreasing and it can therefore be assumed that a fully liberalised self-handling market will have minimal consequences in practice.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

The EU Directive should provide greater oversight and transparency of centralised infrastructure fees and the services and benefits provided to airline operators. The rate of return for centralised infrastructure should be low in recognition that it is provided on a monopoly basis. As airport

structures and organisations differ greatly throughout member states it will be difficult to define centralised infrastructure on a common basis for the purposes of comparing infrastructure fees at different airports. Centralised infrastructures should be monitored by an independent body which is separate from the airport operator (eg the Airport Users' Committee) to minimise the possibility of a dominant position by an airport operator which also provides handling services. The independent body should also ensure that minimum industry (eg IATA) defined performance standards are met.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

See answer to question 13

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The Directive should require more precision on how the accounts of ground handling providers are separated so as to increase transparency and reduce the risk of cross subsidisation. However any change in regulation should be carefully assessed to ensure that the cost and regulatory burden of any new requirements does not outweigh the benefits. The aim should be to ensure an open and fair competitive market for ground handling, respecting commercial confidence, without the possibility for cross subsidisation.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

See answer to question 15

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

The Directive should require airport companies which provide ground handling services to be subject to the same tender requirements as third party handlers. By not being subject to the same tender procedure it potentially provides the airport company with a competitive advantage against other providers. However it should be recognised that airport companies offering handling services and some other essential services (eg emergency management) may provide important synergies with the airport operator that may benefit both airline operators and other handlers. These synergies should be considered in any new proposals. The ultimate aim should be a fully liberalised market in ground handling services.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The Directive should not introduce a harmonised European system to manage physical space at airports. Any proposals for change should be supported with clear evidence of a problem as, in practice, this problem appears to rarely occur, is very site specific and can be managed without regulation. Consideration could be given to ensuring that handling companies work together to pool equipment so as to further reduce the likely occurrence of a space being a limiting factor. In addition the airport operator should be required to demonstrate that space at the airport has been fairly allocated between all parties involved in ground handling.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)



See answer to question 30

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

The general aim of any revision to the Directive should be to lead to full liberalisation of the market, greater competition for ground handling services, more choice and better value for air operators. As such the Directive should be amended to fully liberalise the market in ground handling services at EU airports with the objective of creating a fully liberalised market.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

See answer to question 20 and 30

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

See answer to question 20

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

See answer to question 20

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

No comment

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

See answer to question 5

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

See answer to question 12

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

No comment

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

No comment

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

See answer to question 13

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

1 GENERAL COMMENTS The general aim of the Directive should be to further liberalise the market in ground handling, provide greater competition for ground handling services, provide more choice and better value for air operators. Furthermore, any regulation which serves to liberalise a market should over time become less prescriptive. There is a risk that the issues being discussed may, on balance, make the Directive more prescriptive in some areas. In all cases, any proposals for regulation must follow the European Commission's (EC) principals of "better regulation" which include clearly identifying problems to be solved and testing any proposals against a "do nothing" option. 2 IMPLEMENTATION AND EFFECTIVENESS OF THE DIRECTIVE In many states the Directive has resulted in the establishment of a competitive market, lower prices and higher quality but in some states this has not been achieved. In addition the full potential has not been realised in some member states due to poor transposition of the Directive. It has also been noted that considerable differences exist between member states on insurance provisions for ground handling contracts. Better implementation should still be a key objective and the EC should ensure that the Directive it is being robustly and consistently implemented in all EU member states. 3 INDEPENDENCE OF THE AIRPORT USERS' COMMITTEE The Directive should be strengthened to ensure the full independence of the Airport Users' Committee. In addition, safeguards should be put in place to prevent dominant carriers' unduly influencing decisions taken by the Airport Users' Committee. 4 GROUND DE ICING SERVICES Whilst it may not be appropriate to include provisions on de-icing in the EU Directive on ground handling which focuses on market access, competition and liberalisation of ground handling services there is a need for further safety regulation of ground de-icing services. Specifically there is a need for minimum requirements in the following areas (note this list is not exhaustive):

- application of fluid (including final checks)
- initial and recurrent training requirements for personnel
- use of English by personnel involved in de-icing
- equipment standards
- fluid availability.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Consultation with industry to assess the effect of changes on actual companies affected by the Directive. This consultation should look at the effects on small, medium and large airports as well as on small, medium and large operators.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**European Federation of AOC - EFA**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

EFA is the european association representing the local AOC - Airline Operators Committees - across Europe. The AOCs represent the interests of the airlines operating at an airport towards the airport managing bodies, officials, service providers, etc..

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The directive does not deal with this issue. in the national legislation of member states, different rule exist and most allow for sub-contracting. sub contracting should be explicitly allowed in community legislation to set an equal rule through the EU. Based on our experience as airline operators professional organization, our recommendations are as follows:limit the number of subcontractors to a maximum of two for any given type of service license, the service could be provided by the official licensee plus two third party handlers.A limit would allow the licensed handler to sub-contract no more than 2/3rd of its activities, and no sub-contracting would be allowed for sensitive issues like security or safety. The sub-contractor should satisfy to the same selection criteria and guarantees as the official licensed handler. It should be clearly stated in the legislation that the licensed handler is legally responsible for the actions of its sub-contractors.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

It is seen essential that licensed handlers and sub-contractors alike adhere to a set f defined training requirements/quality standards/KPI/individual staff training/company licensing. The industry allready have ssuch standards through IATA803/ISO9000 etc..

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Based on our experience, limitations should be introduced regarding the number of staff transferred, like 30 pct.of the total work force, to match the level of activity of the business transferred, and staff should meet the required individual qualifications.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

We support the representation of an airline, either self representation or through any legally accountable organization, ground handling company or GSA.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Security/safety issues could arise when sub-contracting is concerned. Please refer to question 4 above.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

The maximum time set by the directive is 7 years. Some member states limit the time to 5 years, and it is also considered 10 years would be a favorable option. Most airline contracts with a ground handler are for a 3 year period, some are one year only and it rarely exceeds 5 years. Our position is the present time limit of 7 years is satisfactory.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

For the sake of clarification and to avoid conflict of interest, it should be clearly stated in the directive who an airport user is, and that is an airline operating at the said airport, not a ground handling provider. There should be separate legal entities when an airline provides ground handling services. The Directive should limit the voting power of any individual user to 40 pct of the totality of the votes, this to avoid a dominant position from any main base carrier due to its traffic volume. The Directive should precise the voting procedure for the AUC, as some member state could pass a decree organizing such procedures because the present directive is not binding on this subject, resulting in the weakening of the AUC. In case of multi terminal operations, the voting procedure should allow all airlines to vote for all terminals. The directive should provide a common frame and internal rules for the AUC, creating a real level playing field. The directive should recognize the importance of the local AOC - airline operators committee- and make it a full member of the AUC with voting powers. When the voting results achieve a significant percentage (say 70 pct) in favor of a handler, such recommendation should be binding.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Our position is not to introduce selection procedures when the number of self-handling providers is limited.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Our position is there should be no airport installation access fees.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Our position is to support the establishment of separate legal entities for ground handling, when the managing body of an airport, or the airport user are providing ground handling services.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Our position is that for having a true level playing field it should be made compulsory for airports and airport subsidiaries to pass a tender process.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

A very comple issue where there seem to be no ideal solution. The ideas of auctioning, first arrived/first served, or minimum criteria have all their advantage/disadvantage. Our position is that it should be left to a case by case consultation at airports concerned, and it could be stated in the directive that such an issue be dealt with between the airport managing body, the AUC and thge AOC.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Further opening of the market could be an option above a certain threshold, like above 30 million passengers. It could be free access but with compliance to certain criteria and subject to approval by both the airport managing body and the local AOC.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

As above.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

In relation to the above questions 20 and 21, we support the introduction of multi threshold with free access above the last threshold subject to approvals by airport management body and AOC.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

As above.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Approval should be made compulsory.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Our position is to support the extension of self handling to industry practices: wet lease, dry lease, code sharing, alliance arrangements.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Our position is that those issues related to freight handling definitions be dealt with through consultations between airport managing body and AOC.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Provisions under category 1.4 provides sufficient opening to cover needs by the user.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Centralized infrastructures are of different natures across Europe, depending on airports specific layout/organization. Setting and managing any centralized infrastructure should include the airport managing body and the AOC, under terms to be agreed mutually.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

The Directive should recognize the AOC and include AOC anywhere the AUC is concerned.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Data and information to be collected from the stakeholders, like airlines, ground handling providers, airport managing bodies, their professional organizations, including but not limited to, IATA,AEA,ACI, AOC and EFA.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**ASSOCIATION OF EUROPEAN AIRLINES**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The Association of European Airlines (AEA) brings together 36 European established scheduled network carriers. These collectively carry 374 million passengers and 7 million tonnes of cargo each year, operating 2,689 aircraft serving 662 destinations in 162 countries with 11,934 flights a day. They provide around 394,200 jobs directly, and generate a total turnover of €80 billion. AEA is in the European Commission's register of interest representatives (ID number 4492008176-50).

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

AEA believes that no unreasonable restrictions should be placed on ground handlers who wish to subcontract, provided that any subcontractor is subject to the same general conditions as the main contractor and no subsequent distortions to competition occur, especially with regard to the subcontracting of self handling services. All market participants should be allowed to subcontract. However, AEA also recognises that subcontracting must not be abused or lead to a deterioration in quality or safety standards. Furthermore, the main contractor shall remain fully liable for all actions of the subcontractor. If access to security sensitive areas (e.g. airside or transit area) is needed, the airport must be informed about the sub-contracting, for security reasons.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

AEA sees no need for the regulation of quality standards at European level. Quality forms part of the services agreed in the contract between airlines and their ground handlers and should be defined by the airline itself. Should an agreement be necessary at a specific airport, this should be done in collaboration with the airport users. Further, IATA and the ground handling industry have agreed, through the development of the audit standards for the IATA Safety Audit for Ground Operations (ISAGO) program, that proper qualification and training - in all relevant areas including baggage handling - for ground handling staff is essential and should be based on common, agreed protocols. All major ground handling companies (as well as many smaller players) are on board with the program and are progressively submitting their numerous stations for the ISAGO audit.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

In general, AEA believes that this issue should be regulated by the Member States through national legislation.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

No comment.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

A requirement for the airport users (i.e. airlines operating at European airports) to be physically present is unrealistic and would be very expensive for the airlines. Where customers have a complaint (e.g. in cases of mishandled baggage), the carriers could be obliged to provide a toll free telephone number for them to contact. It is not possible for airlines to be legally represented by a ground handler. The examples given (slots, financial commitments) are outside the scope of activity of a ground handler.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

AEA has no specific comments on this question. We would point out however that the various reports prepared for the Commission found no link between safety/security concerns and market liberalisation.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

AEA believes that the 7-year licence period, which is applied when the number of suppliers of ramp services is limited, should be a minimum unless very special circumstances prevail at an airport. However this period could be extended, particularly when the service provider is required to invest in expensive infrastructure projects and/or equipment, provided proper exit clauses are in place to cancel or shorten the contract in cases of poor quality of service and/or excessive prices. A longer contract period in such cases would allow for better planning on the part of the service provider and the opportunity for lower unit costs. However, if the market is fully liberalised, this question becomes irrelevant, as the market would decide.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Where a selection procedure and / or tender is required due to a limitation in the number of handlers, the AEA believes that users must play a key role at all stages of the selection process. This applies to both the definition of the selection criteria and decision-making. It is currently too easy for an airport to refuse the selection of the airport users, even when a candidate has obtained a clear majority in the vote. The process should be amended to ensure that the users' choice and opinions really count in the selection process and cannot be overturned, except in exceptional circumstances. In order to maintain a fair balance of power between all airlines, voting powers should adequately reflect the market share of each airline, and could be subject to provisions in cases where an airline which also acts as a third party provider is involved in the selection of competitors at an airport.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

AEA supports the principle that there should be no artificial limit on the number of self- and third-party handlers at European airports, and an airport user should always have the alternative to self-handle. However, on very rare occasions the lack of physical space may constitute an exceptional constraint which could limit the number of handlers. In such cases the Member States concerned, in consultation with the Airport Users' Committee, should evaluate this constraint at each airport based on objective and transparent criteria, without compromising safety, security and operational efficiency.



(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

AEA believes that the criteria for assessing a fee for the use of airport installations should be based on the principles applied in the Airport Charges Directive, i.e. transparency, cost-efficiency, cost-relatedness and consultation with airport users. Moreover, the Ground Handling Directive "precludes the Managing body of an airport from making access to the ground handling market in the airport subject to payment be a supplier of ground handling services or self handler of an access fee as consideration for the grant of a commercial opportunity, in addition to the fee payable by that supplier or self handler for the use of the airport installations". AEA has no comment on "reasonable profit margins".

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

AEA supports the setting up of an independent authority to monitor fees and charges for airport installations. Currently charges applied for access to centralized infrastructure vary from airport to airport and there are discrepancies between the access fees ground handlers are obliged to pay at airports. The ISA should also be responsible for appeals against implementation of the selection procedure in cases where an airport is providing restricted ground handling services.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The creation of separate legal entities is not necessary if detailed transparency (breakdown of charges, etc.) is ensured through the separation of accounts. With a view to ensuring, in particular, that the charges levied on an air carrier are commensurate with the services provided, and that these charges do not serve to finance activities of the managing body other than those relating to the provision of such assistance, the charges should be adopted and applied in full transparency. An external auditor should be used to verify compliance.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

See question 15. Any cross subsidization between centralized infrastructure and ground handling should be forbidden, with compliance verified by the external auditor.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

There is no justification for favoring airports by allowing them to provide ground handling services without being subject to the same selection procedure as other service suppliers. The reasoning used in 1996 to justify the mandatory separation of accounts can still be used today to require that airports be submitted to the selection procedure. This reasoning is Whereas Clause 19 of the Directive: "whereas the managing body of the airport may also supply ground-handling services and, through its decisions, may exercise considerable influence on competition between suppliers of ground-handling services."

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

AEA is opposed to auctioning of airport premises. If a ground handler pays a higher price for the location, in a restricted market these higher prices will be directly passed on to the airlines. At existing airport facilities, the airport and the airline community should decide jointly on such matters based on transparent and objective criteria. Airports should determine the maximum possible number of ground handlers, in consultation with the Airport Users' Committee, so that any restriction will be based on a common understanding and will take into account the competitive situation and available space at the airport, and be based on transparent and objective criteria. If potential traffic development demands additional capacity then the airport, with input from the airline community, should take action to provide such additional capacity based on a solid business case. In such cases the airports and the Airport Users should jointly determine the number of handling service providers that can reasonably operate at the airport. The airport should be required to justify any deviation from this process to the AUC. Airports must not be allowed to abuse their dominant position to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities including ground handling.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See Question 18 above.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

AEA supports the level of harmonization contained in the current Directive on Ground Handling. However, differences in the implementation and level of enforcement of the Directive are subject to political considerations and lead to market distortions and unfair competition. A real and effective harmonization could be achieved for example by fully liberalising the ground handling market or by introducing an adequate minimum number of handlers (for example based on airport size and/or contestable market), or by requiring airports to evaluate objective criteria in the same way as for the determination of a maximum number of handlers (see question 23). AEA also supports the harmonization of the establishment of charges for centralized infrastructure (independent supervisory authority, transparency, cost efficiency, etc.) based on the provisions of the Airport Charges Directive.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

In a market that is not liberated, a stepped threshold could apply, as stipulated in the Commission's proposal of 2006: "It is appropriate to allow a third provider when the annual traffic at an airport is above 10 million passengers or 100,000 tonnes of cargo. At the largest Community airports where the annual traffic is more than 20 million passengers or 200,000 tonnes of freight, there is ample room to allow for a number of four suppliers of ground handling services." However, in a fully liberated market there would be no need for any additional threshold.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

AEA supports the application of the Directive to all airports irrespective of their traffic volume. However, if a threshold is to be applied then once an airport has reached that level of traffic and the requirements of the Directive are applicable, that airport should remain a regulated airport until such time as it could be reasonably determined that the fall in traffic is of a long-term nature and is not due to a short-term crisis as witnessed during the current economic downturn. For this purpose, and to provide assurances to current and potential ground handling service providers and airlines, we recommend that a 3-year observation period be stipulated to determine the nature of the fall in traffic.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

At present airports or Member States can set the number of handlers and some Member States limit the number of handlers allowed to operate at their airports. AEA believes that objective criteria should be established that Member States would have to respect when taking a decision to limit the number of handlers at an airport.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

We do not believe that Member States should be involved in setting standards for quality and training. These should be defined as part of the contract between the two parties. In addition, IATA's ISAGO Program, which requires ground handlers to demonstrate conformity with 300+ agreed standards, promotes safety, efficiency, good training and personnel management practices, and environmental compliance, is already being used for training purposes. In cases where ISAGO is not yet completely operational (e.g. cleaning companies, catering companies) operating on the airport apron, States could specify that such service providers should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

ISAGO requires that the ground handler shall have a corporate training program that specifies standards to ensure personnel at all stations, to include personnel of subcontractors, who perform duties in functions within the scope of ground operations (hereinafter "operational ground handling personnel"), complete initial and recurrent training in accordance with requirements of the Ground Handler, relevant authorities and customer airlines. All IATA member airlines are obliged to pass the IOSA audit every two years. This process is the airline equivalent to the ISAGO audit for ground handlers. According to EASA OPS1 the final responsibility for the performance of the ground handlers they use to perform their operations rests with the airlines, so the combination of these two regulations will force the airlines to check the compliance of their ground handlers with regard to safety and quality issues. We also suggest that the Ground Handler shall have corporate standards to ensure operational ground handling personnel undergo evaluation or testing by written, oral or practical means, as applicable, to demonstrate adequate knowledge, competency and/or proficiency to perform duties, execute procedures and/or operate equipment. ISAGO requires ground handlers to be in compliance with whatever environmental laws/regulations are in effect at each location. Therefore in those many cases where ISAGO can be applied, training and quality provisions are de facto well covered. However, we do not espouse limiting any civil aviation or airport authority to mandating ground handlers to undergo only an ISAGO audit; as noted in the response to Question 24, a more broadly based condition required by States could include that the handler should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

AEA is in favour of the widest possible definition of self-handling, including for airlines' code-share partners and for franchise flights. Ground handling is an essential part of the overall product airlines offer to their passengers, and the possibility to integrate code-share partners and/or franchise operators shouldn't be limited to contracts with third party handlers. A wider definition would also promote economies of scale between alliance partners. Moreover, allowing a sufficient number of handlers at an airport would lead to the same result.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Cargo operators should be allowed to handle the flights of all aircraft in their network, even those operated by subcontractors (cf. reply to Question 26 on a wider definition of self-handling). This would solve the problem of handlers being unable to service flights that operate during the night. However, liberalisation would accommodate any specific demand and the question demonstrates that there are specific needs and requirements that cannot be met by a one-size-fits-all approach by only allowing a limited number of suppliers of ground handling services.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

We do not understand the background to this question.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

AEA believes that any fee for the use of centralized infrastructure should be subject to a set of minimum criteria. Since the introduction of the ground handling Directive new charges have been introduced by a growing number of airports as an additional source of revenue, to pay for the so-called centralised infrastructures which were previously already covered by other charges paid either by the airline or the passenger (and which have not been dropped or lowered). For instance, periodically airports need to replace or update their baggage handling systems, but this kind of renovation process should not automatically allow the airport to start collecting additional fees for a service which constitutes part of the airport operator's basic duties. This development has typically occurred at airports which have lost their handling monopoly and has helped them to collect additional revenue for services which had already been paid for.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

The EU has already commissioned several studies on ground handling, in particular the ECORYS study on the effects of liberalizing the whole air transport sector, including ground handling. The most recent study analyses the impact of Directive 96/67 on Ground Handling Services 1996-2007 (Airport Research Centre, February 2009).

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

No comment.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Cargo Working Group - A.O.C. Milan Malpensa Airport (Italy)**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Cargo Working Group, of which I am the Chairman, is a sub-committee of A.O.C. (Airline Operators Committee), and represents the Cargo interest of the Airlines operating at Milan Malpensa Airport and it is therefore very concerned and involved in any action that can contribute to improving the handling of freight at the airport.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Subcontracting part of or the total of any handling activity, is usually run by the purpose or the need to reduce costs! If there is no control on the quality of the service provided by the subcontractor, this may lead to a general decrease of the "airport performance". The responsibility should remain with the "Contractor". Subcontracting would also not be advisable on key tasks of the handling chain.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Even if the introduction of Quality Measures could lead to a possible increase of costs, the benefits would cover this. From the Cargo side, we claim a lack of "Quality Measures" from the Airport Authority as well from the Airport Operator. Quality Measures are all linked to the passenger operations and passenger flights. Poor quality of "cargo handling" might have a negative impact on the airport operations performance, thus the need of such measures to be implemented and applied to "Cargo" on both pax and all-cargo/freighter flights.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

I think that first of all clarity should be made about the meaning of "ground handling". While "ramp and cargo warehouse" handlers can definitely be classified as ground handlers, it becomes hard to understand why also "documentary cargo handlers" or GSSA of Airlines who do not perform any physical handling of freight and mail but only deal with cargo documents, and perform administrative and/or "supervisory" tasks on behalf of the Airline are considered as such and are therefore subjected to "Certification" from ENAC. No limitation is in force, but it involves "certification" process from ENAC with some questionable points. Then, I think that AUC must always be involved and consulted (not only informed) and an extension of up to 10 years would have both economic and social advantages.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

I would suggest that as far as "ramp handlers" are concerned, it should be possible to have ramp handlers dedicated to handle "freighters" only and not be compulsory for a ramp handler to handle both pax and cargo flights. In case of a supplier being interested only in "ramp handling" of Cargo aircraft, providing he has all the characteristics and facilities to do that, he should be allowed to apply for. Also, I would not that "lack of sufficient space or infrastructures" at the airport is used as a mean of limiting or controlling the number of handlers at the airport. In fact it could happen that the "Airport Operator" is not investing in, building etc new infrastructures to protect the handlers currently operating at the airport, where, the "Airport Operator" is also the total or part-owner of one of the handlers, which is allowed by the current law. On top of that, it would be advisable that a length of time/a date within which the "Airport Authority" and the "Airport Operator" MUST give a reply with a date of availability of spaces etc to the request submitted by a "NEW HANDLER", is established. I know of an occasion where no answer at all has been given to the applicant handler, even if not specifically at MXP.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Should a "limit" or a "roof" (max percentage applicable) on the "reasonable profit margin" this would drive to a higher transparency of costs and fees.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

The advantage could be that such authority would not have any direct interest.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts?

Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

As said in para 11): Limitation of Handlers: controlling the number of handlers at the airport. In fact it could happen that the "Airport Operator" is not investing in, building etc new infrastructures to protect the handlers currently operating at the airport, where, the "Airport Operator" is also the total or part-owner of one of the handlers, which is allowed by the current law. On top of that I would not that "lack of sufficient space or infrastructures" at the airport is used as a mean of limiting or, it would be advisable that a length of time/a date within which the "Airport Authority" and the "Airport Operator" MUST give a reply with a date of availability of spaces etc to the request submitted by a "NEW HANDLER", is established. I know of an occasion where no answer at all has been given to the applicant handler, even if not specifically at MXP.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

While differences may look respectful of the local market and reality, they can lead to local interpretation and application. Instead, an EU wide common harmonization of the groundhandling market may ensure a better and open competition under common directives and regulations and a better "quality". This may also have a positive economic and social impact.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Advantages: better choice for the users and real competition. Disadvantages: a market too much split, inability to offer good quality standard of services for handlers unable to reach a sufficient number of customers/airlines in their portfolio and this could have a negative impact also from the social point of view.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Self-handling, for a single airline, might be uneconomical at an airport if not operating many flights a day. But if Self-handling would be allowed to "code-sharing" and/or to "alliance groups" it could become economical. Therefore, it would be advisable to review the meaning or the limit of "Self-handling".

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

As said at point 11): I would suggest that as far as "ramp handlers" are concerned, it should be possible to have ramp handlers dedicated to handle "freighters" only and not be compulsory for a ramp handler to handle both pax and cargo flights. In case of a supplier being interested only in "ramp handling" of Cargo aircraft, providing he has all the characteristics and facilities to do that, he should be allowed to apply for.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

As said at point 10): I think that first of all clarity should be made about the meaning of "ground handling". While "ramp and cargo warehouse" handlers can definitely be classified as ground handlers, it becomes hard to understand why also "documentary cargo handlers" or GSSA of Airlines who do not perform any physical handling of freight and mail but only deal with cargo documents, and perform administrative and/or "supervisory" tasks on behalf of the Airline are considered as such. No limitation is in force, but it involves "certification" process from ENAC with some questionable points. I strongly recommend that this definition is clarified in the full interest of the Airlines (Cargo at least!) and that a separation should exist between "physical handling" and "documentary/GSSA/administration handling" is concerned

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Could offices occupied by "operators" (in the broadest definition such as airlines, cargo documentary handlers/GSSA, customs brokers etc) be classified as "centralised infrastructures) when these are built, controlled, managed and made available only by the "Airport Operator"? These are definitely not "commercial spaces" as essential to run the airport and its business.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Board of Airline Representatives in Switzerland**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The B.A.R. Switzerland fully endorses the comments/findings submitted by the AEA GH Working Group.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**LOT Polish Airlines S.A.**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

LOT Polish Airlines S.A (ICAO code: LOT) is a scheduled / charter carrier, registered in Poland and having an Operating License issued by Polish Civil Aviation Office. LOT is a member of IATA, presently (Winter 2009) serving 62 routes (48 between EC airports) operating 1468 scheduled flights per week.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

LOT shares the IATA position that: “the Directive should expressly allow sub-contracting for both self and third party handlers. Authorities should be informed of any subcontracted service and the provider thereof but should not unreasonably withhold it. Self-handlers and licensed third party handlers shall nevertheless retain full liability for the performance of their sub-contractors. The sub-contractor must have the required expertise and trained staff to perform all required activities in line with quality, safety and security standards set by the contracting parties (airlines or third party handlers) and internationally recognised ground operational best practices and - for fuel services - by the oil industry.” Additionally we believe that only one level of subcontracting should be allowed - if any party cannot supply a desired service it should not be allowed to be sub-contractor in this particular area. If a “non profit” rule is applicable in a specific area (i.e. PRM handling) this rule should be applicable to all levels of subcontracting.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

LOT supports the IATA point of view that: “In general: No specific requirements should be prescribed by the Directive; however, IATA and the ground handling industry have agreed, through the development of the audit standards for the IATA Safety Audit for Ground Operations (ISAGO) program, that proper qualification and training - in all relevant areas including baggage handling - for ground handling staff is essential and should be based on common, agreed protocols. The training provisions are included in the IATA Airport Handling Manual 611 (AHM611 <> see annexed document under question 31), and in the ISAGO Standards Manual, which is available as a free download at [www.iata.org/isago](http://www.iata.org/isago). Since the start of the ISAGO audit program in mid-2008, over 150 audits have been undertaken in all parts of the world. All major ground handling companies (as well as many smaller players) are on board with the program and are progressively submitting their numerous stations for the ISAGO audit. Additionally, the ECAST (European Strategic Safety Initiative - Commercial Aviation Safety Team) Ground Safety working group on 'Training', and the ECAST Plenary, have endorsed the ISAGO training material, which will be incorporated in the future guidance material from ECAST on training for GSPs. For fuel services: Fuel infrastructure providers/operators and intoplane service providers should adhere to IATA and Oil Industry standards. These services should be subject to the IATA Fuel Quality Pool (IFQP) audits. We do not support licensing of companies or staff by individual airports. If any licensing is required then such licensing should be the prerogative of national or international regulators. We support staff training to meet IATA and Oil industry standards including training in the IATA Standard Intoplane Fuelling Procedures for intoplane operators. Following IATA and oil industry standards will ensure quality of the product, improve safety and has the potential to reduce industry costs by a significant amount.

“

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

LOT supports IATA that “no comment about the subject except that the Directive should make it very clear that whatever Member States decide in this area shouldn't jeopardise the Directive's objectives.”

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

No comment.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Similarly, like IATA, we think that “it is not possible for airlines to be present or even legally represented by a groundhandler. The examples given (slots, financial commitments) are outside the scope of activity of a groundhandler.”

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

In general: Safety and Security are amongst aviation industry's top priorities. The protection against the acts of unlawful interference should be, as far as practically possible, the obligation of a State. As this activity should be carried out basing on a “non profit” rule it is very difficult to believe that this goal can be reached if the airport managing body is going to be responsible for this activity. We support the IATA point of view that “although the EU Security Regulation 300/2008 of 11 March 2008 (replacing 2320/2002 of December 16th 2002) provides a good basis for security issues, the performance of ground handling providers in relation with safety remains a concern. We strongly support the implementation of Safety Management Systems for all GSPs and the practice of a "non-punitive" reporting policy that facilitates reporting of ground operations incidents, accidents and precursor events (see annexed document AHM610 <> under question 31). Although there is no urgent need to include more specific provisions on safety related aspects in the revision of the legislation, safety performance has to be amongst the priority criteria in the selection process of ground handling providers at community airports. In this regard, particular attention should be given to the requirements of EU Regulation 1108/2009 of 21 October 2009. For fuel services: Regarding fuel services, IATA and the Oil Industry have well defined procedures and operating Standards that MUST be met by any and all operators.”

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

We share the following IATA point of view that: “In general: We do not oppose the extension of the contract period to or beyond 10 years, particularly when the service provider is required to invest in expensive infrastructure projects and/or equipment, provided proper exit clauses are in place to react to poor quality of service and/or excessive prices. A longer contract period in such case will allow the service provider better planning and the opportunity for lower unit costs. Lower unit costs will help eliminate at least one entry barrier and also provide opportunity for growth. For fuel services: We are satisfied with the current period of 7 years for contracts for into plane services.”

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Like IATA we “strongly support the idea that the user committee should play a decisive role in the selection procedure. This applies to both the definition of the selection criteria as well as the decision-making.” In addition we think that it should be noted that in case when the tender procedure decreases the number of the previously acting groundhandling providers, all suppliers already having valid contracts should be given right to a compensation if they are obliged to stop their handling activity because of the new tender results.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

We have the similar point of view like IATA that: “In general: Actually, we believe that the role of airlines in the ground handling market should be better recognised, since it is for the airlines themselves to determine the best and most efficient services they choose to offer. There should be no artificial limitation of self-handlers and an airport user should always have the alternative to self-handle. In exceptional cases of physical space limitation, objective and transparent criteria should be determined at each airport, together with the Airport User Committee, without compromise to safety, security and operational efficiency. For fuel services: While there may be constraints regarding the number of fuel infrastructure facilities and intoplane service providers, there should be no such restrictions for the supply of jet fuel to the airport storage. Therefore any airline that wishes to supply jet fuel must be allowed to do so provided such supply is subject to quality assurance and other objective and transparent criteria set by the fuel facility operator.”

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

The national independent regulatory body should have right to regulate (limit) the level of a “reasonable profit margin” in any case where any limitation exists and a free access to any part of the infrastructure or an service is not granted. The independent regulatory body should have right to oblige all market players having a monopolist position to perform a transparent and detailed accounting and to examining them. We, like IATA, think that “In general: The provision of a centralized infrastructure constitutes a clear example of a monopolistic situation, as the ground handler has no choice but to use the service if it wants to operate at that airport. Therefore given the dominant position of the centralized nrastructure provider it is essential to ensure reasonable fees for such services. The fee could allow for covering the related operational costs, depreciation and a reasonable cost of capital on invested assets; provided the service is delivered on a cost-efficient way and complies with ICAO's principles of cost-relatedness, transparency, consultation and non-discrimination. A reasonable rate of return should reflect the low risks born by the centralized infrastructure provider given its monopolistic position. As such, a rate of return close to the yield of long-term government bonds should be applied. For fuel services: At present due to the absence of regulations and guidance, at many EU airports there is no transparency of the fuel infrastructure costs. A limited study conducted by IATA indicated that unit fees/charges for fuel facilities owned by the airport or constructed on a Build, Operate and Transfer (BOT) basis at the request of the airport were significantly higher than the EU average. In order to ensure a level playing field it is essential that clear guidance is provided regarding transparency, the appropriate cost items to be included in determining fees/charges and the definition of a reasonable rate of return. This is essential as at most airports the fuel infrastructure is provided as centralized infrastructure.. As a minimum the following information should be provided to the users of the facilities and the airlines: investments, depreciation policy and costs, staff numbers and costs, other operating costs, cost of capital, profit margin and the anticipated fuel throughput for the period under review. Further clear guidance should be provided to prevent double charging for existing infrastructure in the event of change of ownership in airport installations. Given the fact that depreciation of the existing assets have been built into past and current fees/charges, the airlines have already paid part of the investment in installations. Therefore the Directive must clearly state that only the remaining book value will be allowed in determining depreciation and financing costs when establishing future fees/charges by the new owner(s). Clear guidance should be provided that fees/charges for existing facilities must not be allowed on the basis of purchase price paid by the new owners.”

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

We support the IATA position that: "in general: The monitoring of fees should be allowed whenever the access to the market is limited. This is by definition the case for centralised infrastructure. The Regulator in charge of settling the dispute between the airport and the airlines should be fully independent and it may well be the same in charge of monitoring the airport charges level. Furthermore, appeal should suspend the introduction of the fee until a decision by the Regulator has been taken. Consultation should be effective and ensure the provision each year of adequate information that justify the costs for the service provided. The ultimate goal would be to ensure that fees are not only cost related but also cost efficient (reasonable level). For fuel services: Airport fuel infrastructure and/or into plane services, whether or not provided by the airport itself or any other monopolistic entity should be regulated by an independent authority. We support that this function be carried out by the same authority that regulates the airport charges. However for this activity to be meaningful clear guidance should be provided in the Directive regarding the framework for setting the applicable fees/charges and transparency. Please also refer to response to question 13."

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Like IATA we think that "the main issue is transparency and separation of accounts may not be sufficient. In that case, where an airport operator is also involved in ground handling services, it could be advisable that a separate legal entity be established for the performance of such services. A committee formed of airport users and independent examiners should be established to check compliance. This separate legal entity should be subject to the same regulations as other entities performing ground-handling services at the same location." In addition we believe that the independent regulatory body should have right to oblige all market players having a monopolist position to perform a separate (when necessary), transparent and detailed accounting and to examining them. Regular publication of the results of the auditing and at least a part of the examiners reports (not of a commercial value) should take place.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

See question 15

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Like IATA we believe that: "In line with our view that in some cases it might be advisable that airports should have separate legal entities when they offer ground handling services, it is only normal that after so many years of application of the directive, its bias in favour of airport handlers should disappear. There is absolutely no more justification for favouring airports by allowing them to provide ground handling services without being subject to the same selection procedure as other service suppliers. The reasoning used in 1996 to justify the mandatory separation of accounts can still be used today to require that airports be submitted to the selection procedure. This reasoning is in Whereas Clause 19 of the Directive: "Whereas the managing body of the airport may also supply ground-handling services and, through its decisions, may exercise considerable influence on competition between suppliers of ground-handling services."

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

We, like IATA are strongly “opposed to auctioning of airport premises. If a ground handler pays a higher price for the location, in a restricted market these higher prices will be directly passed on to the airlines. We support joint decisions by the airport and the airline community on such matters based on transparent and objective criteria. If potential traffic development at the airport demands additional capacity then the airport, with input from the airline community, should take action to provide such additional capacity based on a solid business case. Airports must not be allowed to abuse their dominant position to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities including groundhandling.”

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See above

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

We support the IATA position that: “In general: The aim of the Directive is to liberalise the market and the minimum number of ground handlers could be harmonised at three. However, there should be no harmonised maximum. The major flaw is actually the discretion of Member States regarding the number of suppliers: no objective examination of the situation is required. Objective criteria should be used and this is where harmonisation could be helpful. For fuel services: We support the harmonization of quality, safety, reliability and security standards for the jet fuel storage and intoplane services. For this very purpose, we support the full implementation of the IATA and Oil industry standards. Such requirement will help reduce industry costs as well as enable service providers to enter different markets.”

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

In general: See above (Q20) For fuel services we support the IATA position: “While it may be more economic under certain conditions to provide fuel infrastructure as a centralized function, the supply of jet fuel and its marketing to the airlines should be open at all airports. If there are technical issues related to the ability of a fuel farm to receive supply from different parties then timely action should be taken to resolve these matters. We strongly suggest that such decisions be taken in full consultation with the airline industry.”

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Like IATA we “support the application of the Directive to all airports irrespective of their traffic volume. However, if a threshold is to be applied then, once an airport has reached that level of traffic and the requirements of the Directive are applicable, such airport should remain a regulated airport until such time as it could be reasonably determined that the fall in traffic is of a long-term nature and is not due to a short-term crisis as witnessed during the current economic downturn. For this purpose and to provide assurances to current and potential groundhandling service providers and airlines, we recommend that a 3 year observation period be stipulated to determine the nature of the fall in traffic. Similarly we do not object to airports not being considered as reaching the threshold when traffic increase is due to a one off event such as a major sporting event.”



(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

In general: See above (Q20) For fuel services we support the IATA point of view: “With regard to the supply of jet fuel, all airports should be open to competition and any supplier, meeting objective criteria, should have access to the centralised fuel infrastructure at the airport. Please also refer to the response to question 21. In most cases tank farm facilities and hydrant systems are set up as centralized infrastructures in accordance with the groundhandling directive. Given the high investments and operating costs for such facilities the airline industry considers this set up to be economically more advantageous. Further, historically such fuel facilities were provided by the oil companies operating as Joint Ventures. Our experience is that when fuel infrastructure is provided by joint ventures and particularly when airlines are party to the JV, they are more cost efficient than when provided by airports or independent infrastructure providers. Therefore the airline industry would like to retain such ownership model. However, in all cases open and non-discriminatory access by fuel suppliers to the centralised infrastructure has to be ensured. Into plane service is clearly an airside ground handling activity. From an airline perspective it is important that competition among all service providers is ensured. Currently the level of competition differs from airport to airport across Europe. Airports with open access and real alternatives in supply show a better and fairer pricing practice among fuel suppliers than at airports where there are only one or two suppliers. This is particularly the case when these suppliers have geographical advantages for their logistics. To ensure fair pricing through competition it is important that the opportunity to introduce a second or third into-plane service provider, at any given time, is available. The new into plane service provider could be an independent service provider or an into-plane service of a new fuel supplier at the airport. It is further essential that the airlines have the opportunity to select the into plane provider if they so chose and are granted the opportunity to select the into-plane service provider independent from contracting for the supply of Jet Fuel.”

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Like IATA “we are proposing the use of the ISAGO Program for use by Member States to help in defining their approval criteria (see question 5). Since ICAO has no material on which States can base Regulations for ground handlers, there are few current regulatory requirements in place and no consistency between States where such requirements do exist, therefore ISAGO can provide a practical alternative. The ISAGO program is already well known and being implemented globally. ISAGO, which requires ground handlers to demonstrate conformity with 300+ agreed standards, promotes safety, efficiency, good training and personnel management practices, and environmental compliance. ISAGO is not the complete answer however, since at this stage of the program's development the system is not yet set up to audit all categories of companies (e.g. cleaning companies, catering companies) operating on the airport apron. In such few cases, States could specify that such service providers should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.”

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

We support the IATA point of view that: “ISAGO requires that the ground handler shall have a corporate training program that specifies standards to ensure personnel at all stations, to include personnel of subcontractors, who perform duties in functions within the scope of ground operations (hereinafter "operational ground handling personnel"), complete initial and recurrent training in accordance with requirements of the Ground Handler, relevant authorities and customer airlines. We also suggest that the Ground Handler shall have corporate standards to ensure operational ground handling personnel undergo evaluation or testing by written, oral or practical means, as applicable, to demonstrate adequate knowledge, competency and/or proficiency to perform duties, execute procedures and/or operate equipment. ISAGO requires ground handlers to be in compliance with whatever environmental laws/regulations are in effect at each location. Therefore in those many cases where ISAGO can be applied, training and quality provisions are de facto well covered.

However, we do not espouse limiting any civil aviation or airport authority to mandating ground handlers to undergo only an ISAGO audit; as noted in the response to Question 24, a more broadly based condition required by States could include that the handler should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.”

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

We fully share the IATA point of view that “an airport user should always have the possibility to self-handle, and this should include its code-share partners as well as franchising. Ground handling is an essential part of the overall product airlines offer to their passengers, and the possibility to integrate code-share partners and/or franchise operators shouldn't be limited to contracts with third party handlers.”

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

We support IATA point of view that “cargo operators should be allowed to handle the flights of all aircraft in their network, even those operated by subcontractors (cf. reply to Question 26 on a wider definition of self-handling). This would solve the problem of handlers being unable to service flights that operate during the night.”

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

No comment.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

We share the IATA point of view that: “In general: Further to the decision of the ECJ in the Hannover case, such fee should be subject to minimum criteria (at least those prescribed by the Directive on airport charges, including an independent authority to monitor the level of such fees). Airlines should not pay twice through a fee and an airport charge. The fee should be cost-related and cost efficient. For fuel services: As stated the definition of centralized infrastructure requires clarity. Fuel infrastructure including the fuel farm and the hydrant system, irrespective of ownership, whether or not owned/operated by the airport management, must be included within the definition of centralized infrastructure when provided on a monopoly basis and hence be subject to the groundhandling directive. Such clear inclusion within the scope of the directive will require the provider of such infrastructure to allow open access to the facilities and to provide detailed transparent cost justification for fees/charges and prevent the abuse of dominant position.”

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

For fuel services we share IATA point of view: “Some EU airports have imposed unjustified fees on the provider of fuel infrastructure as the provision of infrastructure is deemed to be outside the scope of the current groundhandling directive. Therefore We seek the support of the EC to clarify this point and to include language that will prevent airports of such abuse in the future. In summary, these are our key fuel related objectives: Fuel infrastructure: 1. should be treated like centralized infrastructure when provided by a monopoly irrespective of ownership 2. market access fees must not be allowed for the provision of fuel infrastructure 3. airports must not be allowed to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities 4. meaningful and clear guidance should be provided in the

Directive regarding the framework for setting the applicable fees/charges and transparency 5. clear guidance should be provided to prevent double charging for existing infrastructure in the event of change of ownership in airport installations. Supply of jet fuel: open access to airport fuel infrastructure for all potential suppliers (even if the fuel farm is the property of a consortium of oil companies) subject to quality assurance and other objective and transparent criteria set by the fuel facility operator. Into plane service: To ensure fair pricing through competition, it is important that the opportunity to introduce a second or third into-plane service provider, at any given time, is available. The new into plane service provider could be an independent service provider or an into-plane service of a new fuel supplier at the airport. It is also essential that the airlines have the opportunity to select the into plane provider if they so chose and are granted the opportunity to select the into-plane service provider independent from contracting for the supply of Jet Fuel.”

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Like IATA we look forward to be contacted by the EC and the consultant to provide detailed explanation and any additional information that may be required.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**ABBA - Alliance of ACMAB, BAR, BATA, AOC**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

ABBA represents the various airlines associations active in Belgium. It stands for Alliance of ACMAB, BAR, BATA and AOC. As purchaser of handling services, ABBA airlines have a direct and deep interest in handling activities and a revision of the present Directive on ground handling services. ACMAB is the Airline Cargo Managers Association Belgium and has 37 airlines as members. BAR is the Board of Airline Representatives-Belgium and has 52 airlines as members. BATA is the Belgian Air Transport Association and its members are Brussels Airlines, DHL/EAT, Tui airlines trading as Jetairfly, Thomas Cook Belgium, TNT Airways and VLM Airlines. AOC is the Airport Operators Committee at Brussels Airport.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

No unreasonable restrictions should be placed on ground handlers (both self- and third party handlers) who wish to subcontract and the Directive should expressly allow sub-contracting. However the main contractor should be held liable for services performed by the subcontractor.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

ABBA believes that the current provisions in the Directive should not be amended. Requirements in terms of quality of services form part of the handling contract and as such should be negotiated between the individual airline and its groundhandling agent. Internationally recognised standards already exist (such as IATA Safety Audit for Ground Operations program and IATA Handling Manual 611). With regards to safety and security, these standards are set internationally and nationally and are not decided by airlines or handlers.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

This is outside the scope of the Directive and should not be modified or included into the Directive.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

This is not the scope of the Directive.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

The representation of an airline at outstations is a legal function that exceeds the operational aspect of groundhandling services. Therefore handling agents should never be considered as

representative of an airline, except if this provision is explicitly included in the handling agreement between and airline and its handler.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

As demonstrated in the various reports prepared for the Commission, ABBA is of the opinion that no clear link exists between the implementation of the Directive and safety/security problems.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

ABBA supports a further liberalization of ground handling activities, especially at the airport of Brussels. In such a liberalised world, the market regulates access and timeframe. However as this ideal world does not exist yet, ABBA is satisfied with the current 7-year period and at the same time does not object to an extension of this period provided that a strong exit clause exists to react against bad performance and poor quality of services. If a longer period is implemented (10 years instead of 7), it is noted that ABBA airlines would consequently expect lower prices from their handling suppliers, as costs depreciation will be longer.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Where a selection procedure and/or tender is required due to a limitation in the number of handlers, ABBA insists that users must play a decisive role at all stages of the selection process. We strongly favours the imposition of an obligation upon airports to justify as to why the Airport Users' Committee's recommendation is not followed.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

We believe that the role of airlines in the ground handling market should be better recognized, since it is for the airlines themselves to determine the best and most efficient services they chose to offer. There should be no artificial limitation of self-handlers and an airport user should always have the possibility to self-handle.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

ABBA believes that the criteria for assessing a fee for the use of airport installations should be based on the principles applied in the Airport Charges Directive, i.e. transparency, cost-efficiency, cost-relatedness and consultation with airport users. ABBA questions how a "reasonable profit margin" might be defined.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

An independent body should be designated to supervise the establishment of any airport fees/charges. These charges, decided in consultation with airport users, must remain cost effective, cost related and transparent, without any cross-subsidization.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

As per our answer to question 14, if a strong independent supervising body and transparency of accounts exist, separation of accounts will de facto be present.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

See answers to questions 14 and 15 : ABBA holds the opinion that there should be an independent body to supervise the charges set for airport installation. This body must ensure that the charges remain cost-efficient, cost-related and transparent. Transparency implies that the independent body's report should be made available to the airport users' committee. Due attention should be paid to avoid cross-subsidization at airports.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

ABBA is in favour of a fully liberalised ground handling market where tender does not exist as the market regulates access. However, as full liberalisation of ground handling activities does not exist yet, ABBA is of the opinion that the selection of a handling provider without a tender process may indeed lead to competitive distortion. Therefore, airports should not be exempted from a tendering process.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

ABBA supports joint decisions between airport and airport users on such matters, based on transparent and objective criteria. If potential traffic developments at the airport demand additional capacity, then the airport (with input from airlines and airport users) should take actions to provide such additional capacity. ABBA is opposed to auctioning of airport premises, as ultimately the higher prices paid by ground handlers will be passed directly on to airlines.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See answer to question 18

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

ABBA believes that only full competition will allow for harmonisation at EU airports. We have seen different levels of implementation of the Directive in Member States. In Belgium for example, the legislator has transposed the minimum requirement of 2 handlers to a maximum of 2. We therefore support a correct enforcement of the current Directive. ABBA believes that when one handler (self- and third party) has successfully passed a tender process, this should be enough to fulfil tender criteria at other EU airports.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

See our answer to question 20

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

ABBA supports the application of the Directive to all airports irrespective of their traffic volume. However if a threshold is to be applied, once an airport has reached that level of traffic, it should then be subject to the provision of the Directive and should remain a regulated airport until such time as it could reasonably be determined that the fall in traffic is of long-term nature and is not due to a short-term crisis. Therefore we recommend a minimum observation period (ex. 3 years). ABBA does not object to airports not being considered as reaching the threshold when the traffic increase is due to a one off event (such as major sporting event).

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

see question 22

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

As stated earlier, ABBA thinks that quality of service should not be regulated, as it forms a part of contractual terms : there should not be any intervention by Member State. Moreover, Member States should not impose extra administrative burden or fees for approval process.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

See our answer on questions 5 and 24.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

An airport user should always have the possibility to self-handle and this should include its code-share partners as well as wet- or dry- lease. Ground handling is an essential part of the overall product that airlines offer to their passengers : the possibility to integrate code-share partners and/or franchised operators should not be limited to contracts with third party handlers.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

The ABBA freight operators are of the opinion that self-handling should be extended to all flights dedicated to and included in their network. The current Directive is too restrictive and should be revised to allow a full liberalisation of the ground handling markets, with, as consequence, a suppression of current problems and specific cases.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

These definitions are part of the contractual definitions between airlines and handlers.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

The definition of centralised infrastructure should be more restrictive. In order to ensure fairer and more transparent access, users must have more input on the definition of what constitutes centralised infrastructure. Since the introduction of the ground handling directive, the airlines have at number of European airports experienced new charges for so called centralised infrastructure, which were previously covered by other charges paid by the airline or their passengers and which have not been dropped or lowered.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**IACA - International Air Carrier Association**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

As purchasers of ground handling services at EU airports, IACA members obviously wish to express their opinion on a potential revision of the Groundhandling Directive.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

IACA members question the need for any specific rules at European level regarding the subcontracting of groundhandling activities. Nevertheless, - airlines should be informed at all times on which activities are being subcontracted at to which entity. Any subcontract to a third party constitutes a significant element of a contract between airline and groundhandler, and therefore airlines should be involved in the selection process of such subcontractor by their handling agent. - towards airport users, the main contractor should bear the final liability and responsibility over the subcontracted activities.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

IACA believes that the current provisions in the Directive should not be amended. The minimum requirements in terms of quality of services should be negotiated between the individual airline and its groundhandling agent, and should form part of the handling contract. IACA explicitly opposes the necessity for individual staff licensing, as this would create an unnecessary burden on the aviation industry. Staff qualification is a part of the selection criteria of any service provider contracted by airlines.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

IACA does not believe there are reasons that would justify modifying the Directive as to take into account the subject of transfer of staff between groundhandling service providers. This is clearly outside the scope of the Directive.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

IACA believes that more competition in provision of groundhandling services will be beneficial for passengers, airlines, and ultimately for all staff working at airports.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

IACA strongly opposes the notion that an airline should be legally represented by a groundhandling agent at outstations. This legal function substantially exceeds the operational aspect of

groundhandling services. Handling agents should never be made legally accountable in front of local Courts or authorities, unless both the airline and its handling agent explicitly opt for such service agreement. IACA therefore categorically opposes such obligation imposed on airlines

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

IACA is not aware of any significant safety/security problems which could be linked to the implementation of the Directive.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

IACA prefers that the current maximum period of seven years is maintained. There is no evidence that would justify an extension of that period. IACA is even tempted to suggest a shorter period than 7 years, in order to avoid the risk that the selected handling company misuses its power as a monopolist/oligopolist in the establishment of its handling charges. Also, IACA considers that a seven year's period is long enough to depreciate financially the handling equipment. Therefore, a seven year's period should continue to apply, with an optional renewal subject to approval by both parties at the end of this 7 years' contract period.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

IACA strongly favours the imposition of an obligation upon airports to justify as to why the Airport Users' Committee's recommendation is not followed, even in case where such recommendation is not unanimous (but a majority opinion). As final purchasers of groundhandling services from the provided selected by the airport, the airport users should be obviously entitled to a more significant role in the selection process, in the sense that the Airport Users' Committee should have the right to select the groundhandling service providers. If within the Airport Users' Committee, an airport user has a financial interest in a ground handler that is a candidate in the selection process, this airport user should not have the right to vote.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In principle, the number of self handlers should not be limited. Also, whenever possible airlines should be free to opt for either self-handling or to use a third party. Airlines should also be allowed to negotiate as a group with a third-party handling company. In cases where the number of licenses must nevertheless be limited (for e.g. operational reasons), the market share of the applicant airline (in terms of % of throughput) should be a criterion in order to determine to which airline the self-handling license is granted. If however, a self-handling airline has a very high market share and no other ground handler is licensed at the airport, an independent body shall analyse the behaviour of this airline in order to avoid that it misuses its monopolistic position by imposing unreasonable high handling charges. If necessary, the independent body shall have the right to set the level of the charge.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

See our answer on question 14.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and

charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

As at each geographical location, each airport established at that location constitutes a de-facto monopoly, a Member State independent authority should indeed be designated to supervise the establishment of any airport fees/charges. Such supervision should enforce an economic regulation on airports, including i.e. price capping mechanisms. Also, the establishment of any airport installation charge should be subject to a full cost/benefit analysis, to be disclosed to the airport users committee.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

IACA strongly favours a full and therefore genuine separation of accounts.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

IACA holds the opinion that there should indeed be a compulsory and regular publication of the effective auditing of the accounts. Any independent examiner's report should be made available to the airport users' committee.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

IACA holds the opinion that the selection of a handling service provider without a tender process may indeed lead to competitive distortion. Therefore, airports should not be allowed to be exempted from a tendering process.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The specifications in the tender should include the selection criteria that will be used. Price and quality standards should logically be a part of these selection criteria. At existing airport facilities, airports should, through the Airport Users' Committee (AUC), determine the maximum possible number of ground handlers. This restriction would then be based on a common understanding between users and take into account the competitive situation and available space at the airport. For new facilities, airports must plan the infrastructure in such a manner that a reasonable number of handling service providers (co-determined by the airport and AUC) can operate at the airport. Airports should be fined if they do not plan adequately their facilities. IACA is aware of cases in which airports currently plan their future installations too small in order to limit the number of service providers artificially. Therefore, the planning of new facilities should always be made in close cooperation with the AUC. The recommendations of the AUC should be taken into account when the relevant authorities approve the construction. If nevertheless the authority dismisses the AUC's recommendations, the authority should justify their decision to the AUC.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Unclear question.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the

advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

IACA believes that the EU groundhandling market should be harmonized to the highest possible level of competition. Only this level can guarantee that airlines have access to a wide choice of service suppliers and quality levels.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

See our answer to question 20. In principle, free market mechanisms should determine the optimal number of service providers. IACA believes that a limitation of the number of ground handlers based solely on passenger volume is not reasonable. Also the number of flights, number of airport users and traffic distribution should be taken into consideration.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

IACA holds the opinion that, instead of an additional threshold, the applicable threshold should be lowered to 200.000 passengers per year.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

For “very big” airports, no restrictive threshold should apply.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

IACA holds the opinion that no refinement of these conditions is needed. Quality of service should not be regulated, as it forms a part of contractual terms.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

See our answer on question 24.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

The definition of ‘self-handling’ should be clarified. A single entity owning a majority stake into several airport users, but which is not an airport user itself, should not be considered as a third party. This entity should be allowed to set up a common self-handling service for all its subsidiaries. This new type of self-handling could be beneficial to e.g. tour operators, as it will result in a higher level of efficiency for companies with multiples bases in the EU. Ultimately, the lower costs may be passed on to passengers in the form of lower fares.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

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(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

These definitions should be part of the contractual specifications.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

IACA considers that the management of centralised infrastructure can not be attributed to the airport management body when itself is a provider of ground handling services.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

IACA wishes to point out that experience has shown that in cases where the number of groundhandlers is limited to 2, price fixing may lead to anti-competitive behaviour.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

- intentionally left open -

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**International Air Transport Association (IATA)**

Airline or airlines' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

IATA is the international trade body of the world's airlines (active in international, scheduled air transport). IATA represents some 230 airlines comprising 93% of scheduled international air traffic. IATA's mission is to represent, lead and serve the airline industry. IATA is in the European Commission's register of interest representatives: ID number is 1805107590-28.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The Directive should expressly allow sub-contracting for both self and third party handlers. Authorities should be informed of any subcontracted service and the provider thereof but should not unreasonably withhold it. Self-handlers and licensed third party handlers shall nevertheless retain full liability for the performance of their sub-contractors. The sub-contractor must have the required expertise and trained staff to perform all required activities in line with quality, safety and security standards set by the contracting parties (airlines or third party handlers) and internationally recognised ground operational best practices and - for fuel services - by the oil industry.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

In general: No specific requirements should be prescribed by the Directive; however, IATA and the ground handling industry have agreed, through the development of the audit standards for the IATA Safety Audit for Ground Operations (ISAGO) program, that proper qualification and training - in all relevant areas including baggage handling - for ground handling staff is essential and should be based on common, agreed protocols. The training provisions are included in the IATA Airport Handling Manual 611 (AHM611 see annexed document under question 31), and in the ISAGO Standards Manual, which is available as a free download at [www.iata.org/isago](http://www.iata.org/isago). Since the start of the ISAGO audit program in mid-2008, over 150 audits have been undertaken in all parts of the world. All major ground handling companies (as well as many smaller players) are on board with the program and are progressively submitting their numerous stations for the ISAGO audit. Additionally, the ECAST (European Strategic Safety Initiative - Commercial Aviation Safety Team) Ground Safety working group on 'Training', and the ECAST Plenary, have endorsed the ISAGO training material, which will be incorporated in the future guidance material from ECAST on training for GSPs. For fuel services: Fuel infrastructure providers/operators and intoplane service providers should adhere to IATA and Oil Industry standards. These services should be subject to the IATA Fuel Quality Pool (IFQP) audits. IATA does not support licensing of companies or staff by individual airports. If any licensing is required then such licensing should be the prerogative of national or international regulators. IATA supports staff training to meet IATA and Oil industry standards including training in the IATA Standard Intoplane Fuelling Procedures for intoplane operators. Following IATA and oil industry standards will ensure quality of the product, improve safety and has the potential to reduce industry costs by a significant amount. On training alone the worldwide cost efficiency is estimated at USD 20 million per annum.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

No comment except that the Directive should make it very clear that whatever Member States decide in this area shouldn't jeopardise the Directive's objectives.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

No comment.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

It is not possible for airlines to be present or even legally represented by a groundhandler. The examples given (slots, financial commitments) are outside the scope of activity of a groundhandler.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

In general: Safety and Security are amongst our industry's top priorities. Although the EU Security Regulation 300/2008 of 11 March 2008 (replacing 2320/2002 of December 16th 2002) provides a good basis for security issues, the performance of ground handling providers in relation with safety remains a concern. IATA strongly supports the implementation of Safety Management Systems for all GSPs and the practice of a "non-punitive" reporting policy that facilitates reporting of ground operations incidents, accidents and precursor events (see annexed document AHM610 under question 31). Although there is no urgent need to include more specific provisions on safety related aspects in the revision of the legislation, safety performance has to be amongst the priority criteria in the selection process of ground handling providers at community airports. In this regard, particular attention should be given to the requirements of EU Regulation 1108/2009 of 21 October 2009. For fuel services: Regarding fuel services, IATA and the Oil Industry have well defined procedures and operating Standards that MUST be met by any and all operators.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

In general: IATA does not oppose the extension of the contract period to or beyond 10 years, particularly when the service provider is required to invest in expensive infrastructure projects and/or equipment, provided proper exit clauses are in place to react to poor quality of service and/or excessive prices. A longer contract period in such case will allow the service provider better planning and the opportunity for lower unit costs. Lower unit costs will help eliminate at least one entry barrier and also provide opportunity for growth. For fuel services: IATA is satisfied with the current period of 7 years for contracts for into plane services.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

We strongly support the idea that the user committee should play a decisive role in the selection procedure. This applies to both the definition of the selection criteria as well as the decision-making.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as

the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In general: Actually, we believe that the role of airlines in the ground handling market should be better recognised, since it is for the airlines themselves to determine the best and most efficient services they choose to offer. There should be no artificial limitation of self-handlers and an airport user should always have the alternative to self-handle. In exceptional cases of physical space limitation, objective and transparent criteria should be determined at each airport, together with the Airport User Committee, without compromise to safety, security and operational efficiency. For fuel services: While there may be constraints regarding the number of fuel infrastructure facilities and intoplane service providers, there should be no such restrictions for the supply of jet fuel to the airport storage. Therefore any airline that wishes to supply jet fuel must be allowed to do so provided such supply is subject to quality assurance and other objective and transparent criteria set by the fuel facility operator.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

In general: The provision of a centralized infrastructure constitutes a clear example of a monopolistic situation, as the ground handler has no choice but to use the service if it wants to operate at that airport. Therefore given the dominant position of the centralized infrastructure provider it is essential to ensure reasonable fees for such services. The fee could allow for covering the related operational costs, depreciation and a reasonable cost of capital on invested assets; provided the service is delivered on a cost-efficient way and complies with ICAO's principles of cost-relatedness, transparency, consultation and non-discrimination. A reasonable rate of return should reflect the low risks born by the centralized infrastructure provider given its monopolistic position. As such, a rate of return close to the yield of long-term government bonds should be applied. For fuel services: At present due to the absence of regulations and guidance, at many EU airports there is no transparency of the fuel infrastructure costs. A limited study conducted by IATA indicated that unit fees/charges for fuel facilities owned by the airport or constructed on a Build, Operate and Transfer (BOT) basis at the request of the airport were significantly higher than the EU average. In order to ensure a level playing field it is essential that clear guidance is provided regarding transparency, the appropriate cost items to be included in determining fees/charges and the definition of a reasonable rate of return. This is essential as at most airports the fuel infrastructure is provided as centralized infrastructure.. As a minimum the following information should be provided to the users of the facilities and the airlines: investments, depreciation policy and costs, staff numbers and costs, other operating costs, , cost of capital, profit margin and the anticipated fuel throughput for the period under review. Further clear guidance should be provided to prevent double charging for existing infrastructure in the event of change of ownership in airport installations. Given the fact that depreciation of the existing assets have been built into past and current fees/charges, the airlines have already paid part of the investment in installations. Therefore the Directive must clearly state that only the remaining book value will be allowed in determining depreciation and financing costs when establishing future fees/charges by the new owner(s). Clear guidance should be provided that fees/charges for existing facilities must not be allowed on the basis of purchase price paid by the new owners.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

In general: The monitoring of fees should be allowed whenever the access to the market is limited. This is by definition the case for centralised infrastructure. The Regulator in charge of settling the dispute between the airport and the airlines should be fully independent and it may well be the same in charge of monitoring the airport charges level. Furthermore, appeal should suspend the introduction of the fee until a decision by the Regulator has been taken. Consultation should be effective and ensure the provision each year of adequate information that justify the costs for the service provided. The ultimate goal would be to ensure that fees are not only cost related but also cost efficient (reasonable level). For fuel services: Airport fuel infrastructure and/or into plane



services, whether or not provided by the airport itself or any other monopolistic entity should be regulated by an independent authority. IATA supports that this function be carried out by the same authority that regulates the airport charges. However for this activity to be meaningful clear guidance should be provided in the Directive regarding the framework for setting the applicable fees/charges and transparency. Please also refer to response to question 13.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The main issue is transparency and separation of accounts may not be sufficient. In that case, where an airport operator is also involved in ground handling services, it could be advisable that a separate legal entity be established for the performance of such services. A committee formed of airport users and independent examiners should be established to check compliance. This separate legal entity should be subject to the same regulations as other entities performing ground-handling services at the same location.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

See question 15

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

In line with our view that in some cases it might be advisable that airports should have separate legal entities when they offer ground handling services, it is only normal that after so many years of application of the directive, its bias in favor of airport handlers should disappear. There is absolutely no more justification for favoring airports by allowing them to provide ground handling services without being subject to the same selection procedure as other service suppliers. The reasoning used in 1996 to justify the mandatory separation of accounts can still be used today to require that airports be submitted to the selection procedure. This reasoning is in Whereas Clause 19 of the Directive: "Whereas the managing body of the airport may also supply ground-handling services and, through its decisions, may exercise considerable influence on competition between suppliers of ground-handling services."

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

IATA is opposed to auctioning of airport premises. If a ground handler pays a higher price for the location, in a restricted market these higher prices will be directly passed on to the airlines. IATA supports joint decisions by the airport and the airline community on such matters based on transparent and objective criteria. If potential traffic development at the airport demands additional capacity then the airport, with input from the airline community, should take action to provide such additional capacity based on a solid business case. Airports must not be allowed to abuse their dominant position to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities including groundhandling.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See above.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the

advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

In general: The aim of the Directive is to liberalise the market and the minimum number of ground handlers could be harmonised at three. However, there should be no harmonised maximum. The major flaw is actually the discretion of Member States regarding the number of suppliers: no objective examination of the situation is required. Objective criteria should be used and this is where harmonisation could be helpful. For fuel services: IATA supports the harmonization of quality, safety, reliability and security standards for the jet fuel storage and intoplane services. For this very purpose, IATA supports the full implementation of the IATA and Oil industry standards. Such requirement will help reduce industry costs as well as enable service providers to enter different markets.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

In general: See above (Q20) For fuel services: While it may be more economic under certain conditions to provide fuel infrastructure as a centralized function, the supply of jet fuel and its marketing to the airlines should be open at all airports. If there are technical issues related to the ability of a fuel farm to receive supply from different parties then timely action should be taken to resolve these matters. IATA strongly suggests that such decisions be taken in full consultation with the airline industry.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

IATA supports the application of the Directive to all airports irrespective of their traffic volume. However, if a threshold is to be applied then, once an airport has reached that level of traffic and the requirements of the Directive are applicable, such airport should remain a regulated airport until such time as it could be reasonably determined that the fall in traffic is of a long-term nature and is not due to a short-term crisis as witnessed during the current economic downturn. For this purpose and to provide assurances to current and potential groundhandling service providers and airlines, IATA recommends that a 3 year observation period be stipulated to determine the nature of the fall in traffic. Similarly IATA does not object to airports not being considered as reaching the threshold when traffic increase is due to a one off event such as a major sporting event.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

In general: See above (Q20) For fuel services: With regard to the supply of jet fuel, all airports should be open to competition and any supplier, meeting objective criteria, should have access to the centralised fuel infrastructure at the airport. Please also refer to the response to question 21. In most cases tank farm facilities and hydrant systems are set up as centralized infrastructures in accordance with the groundhandling directive. Given the high investments and operating costs for such facilities the airline industry considers this set up to be economically more advantageous. Further, historically such fuel facilities were provided by the oil companies operating as Joint Ventures. Our experience is that when fuel infrastructure is provided by joint ventures and particularly when airlines are party to the JV, they are more cost efficient than when provided by airports or independent infrastructure providers. Therefore the airline industry would like to retain such ownership model. However, in all cases open and non-discriminatory access by fuel suppliers to the centralised infrastructure has to be ensured. Into plane service is clearly an airside ground handling activity. From an airline perspective it is important that competition among all service providers is ensured. Currently the level of competition differs from airport to airport across Europe. Airports with open access and real alternatives in supply show a better and fairer pricing practice among fuel suppliers than at airports where there are only one or two suppliers. This is particularly the case when these suppliers have geographical advantages for their logistics. To ensure fair pricing through competition it is important that the opportunity to introduce a second or

third into-plane service provider, at any given time, is available. The new into plane service provider could be an independent service provider or an into-plane service of a new fuel supplier at the airport. It is further essential that the airlines have the opportunity to select the into plane provider if they so chose and are granted the opportunity to select the into-plane service provider independent from contracting for the supply of Jet Fuel.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

We are proposing the use of the ISAGO Program for use by Member States to help in defining their approval criteria (see question 5). Since ICAO has no material on which States can base Regulations for ground handlers, there are few current regulatory requirements in place and no consistency between States where such requirements do exist, therefore ISAGO can provide a practical alternative. The ISAGO program is already well known and being implemented globally. ISAGO, which requires ground handlers to demonstrate conformity with 300+ agreed standards, promotes safety, efficiency, good training and personnel management practices, and environmental compliance. ISAGO is not the complete answer however, since at this stage of the program's development the system is not yet set up to audit all categories of companies (e.g. cleaning companies, catering companies) operating on the airport apron. In such few cases, States could specify that such service providers should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

ISAGO requires that the ground handler shall have a corporate training program that specifies standards to ensure personnel at all stations, to include personnel of subcontractors, who perform duties in functions within the scope of ground operations (hereinafter "operational ground handling personnel"), complete initial and recurrent training in accordance with requirements of the Ground Handler, relevant authorities and customer airlines. We also suggest that the Ground Handler shall have corporate standards to ensure operational ground handling personnel undergo evaluation or testing by written, oral or practical means, as applicable, to demonstrate adequate knowledge, competency and/or proficiency to perform duties, execute procedures and/or operate equipment. ISAGO requires ground handlers to be in compliance with whatever environmental laws/regulations are in effect at each location. Therefore in those many cases where ISAGO can be applied, training and quality provisions are de facto well covered. However, we do not espouse limiting any civil aviation or airport authority to mandating ground handlers to undergo only an ISAGO audit; as noted in the response to Question 24, a more broadly based condition required by States could include that the handler should have implemented Quality, Safety and Security Management Systems, capable of being demonstrated via other certification programs such as ISO.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

An airport user should always have the possibility to self-handle, and this should include its code-share partners as well as franchising. Ground handling is an essential part of the overall product airlines offer to their passengers, and the possibility to integrate code-share partners and/or franchise operators shouldn't be limited to contracts with third party handlers.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Cargo operators should be allowed to handle the flights of all aircraft in their network, even those operated by subcontractors (cf. reply to Question 26 on a wider definition of self-handling). This would solve the problem of handlers being unable to service flights that operate during the night.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

No comment.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

In general: Further to the decision of the ECJ in the Hannover case, such fee should be subject to minimum criteria (at least those prescribed by the Directive on airport charges, including an independent authority to monitor the level of such fees). Airlines should not pay twice through a fee and an airport charge. The fee should be cost-related and cost efficient. For fuel services: As stated the definition of centralized infrastructure requires clarity. Fuel infrastructure including the fuel farm and the hydrant system, irrespective of ownership, whether or not owned/operated by the airport management, must be included within the definition of centralized infrastructure when provided on a monopoly basis and hence be subject to the groundhandling directive. Such clear inclusion within the scope of the directive will require the provider of such infrastructure to allow open access to the facilities and to provide detailed transparent cost justification for fees/charges and prevent the abuse of dominant position.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

For fuel services: Some EU airports have imposed unjustified fees on the provider of fuel infrastructure as the provision of infrastructure is deemed to be outside the scope of the current groundhandling directive. Therefore IATA seeks the support of the EC to clarify this point and to include language that will prevent airports of such abuse in the future. In summary, these are our key fuel related objectives: Fuel infrastructure: 1. should be treated like centralized infrastructure when provided by a monopoly irrespective of ownership 2. market access fees must not be allowed for the provision of fuel infrastructure 3. airports must not be allowed to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities 4. meaningful and clear guidance should be provided in the Directive regarding the framework for setting the applicable fees/charges and transparency 5. clear guidance should be provided to prevent double charging for existing infrastructure in the event of change of ownership in airport installations. Supply of jet fuel: open access to airport fuel infrastructure for all potential suppliers (even if the fuel farm is the property of a consortium of oil companies) subject to quality assurance and other objective and transparent criteria set by the fuel facility operator. Into plane service: To ensure fair pricing through competition, it is important that the opportunity to introduce a second or third into-plane service provider, at any given time, is available. The new into plane service provider could be an independent service provider or an into-plane service of a new fuel supplier at the airport. It is also essential that the airlines have the opportunity to select the into plane provider if they so chose and are granted the opportunity to select the into-plane service provider independent from contracting for the supply of Jet Fuel.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

IATA and the airline experts look forward to meeting the EC and the consultant to provide detailed explanation and any additional information that may be required. AHM 611 AIRSIDE PERSONNEL: RESPONSIBILITIES, TRAINING AND QUALIFICATIONS INTRODUCTION The dynamics of the airside environment have the potential for producing conflict between personnel, equipment operations and aircraft and/or facilities. To ensure safety, quality and proficiency; definitive performance and responsibility criteria is required for all personnel engaged in airside activities. Organisations shall

establish minimum training requirements for all personnel whose duties require airside access.

**SCOPE** The scope of this AHM is to provide a guideline of factors that shall be considered in establishing the responsibilities, proficiency and qualifications of personnel operating airside as well as to define the requirements for airside training programs. The content of this AHM should be read in conjunction with other appropriate AHMs.

**RESPONSIBILITIES**

**Basic level**

- follow safe working practices;
- incident reporting.

**Equipment operator/specialist tasks**

- vehicle/equipment checks;
- follow standard operating procedures;
- incident reporting.

**Supervisory level**

- allocation and direction of resources;
- coordination of aircraft handling functions;
- performance monitoring;
- incident reporting.

**Management level**

- provision of resources;
- health and safety management;
- budgetary control;
- incident reporting.

**TRAINING**

**4.1 Objective** The objective of training is to ensure that learners are provided with the requisite skills, knowledge and attitude to complete the task being trained in a safe and efficient manner.

**4.2 Definitions**

**Training** Instruction in a new task or skill or whenever changes to equipment or processes occur.

**Recurrent** Company, Industry or legislative mandated topics that have to be repeated within specific time frames.

**Re-training** Repeat of 'Training' to verify understanding.

**Initiated** following procedural failure, accident/incident, near miss or prolonged absence from the working environment.

**Refresher** Revision of training modules relevant to a persons function.

**Assessment** A structured system to ensure the ongoing competence of the individual in relation to key items of their job function.

**4.3 Processes**

Theoretical and practical skills training shall be conducted by personnel who have demonstrated the skills to deliver the training effectively, and who have competence (knowledge, skill and experience) in the subjects to be instructed. Assessments shall be conducted by persons who have appropriate knowledge, skills and experience in the functions being assessed. Training shall be a combination of theoretical (suitable and sufficient information and instruction relating to the topic being trained) and practical skills training to verify the learners understanding of, and ability to complete, the task being trained. Changes to processes or equipment shall be communicated to relevant personnel and appropriate additional information and training shall be delivered.

**4.4 Records** All training, assessments and competencies shall be documented in a timely and consistent manner. The record shall identify the date when the particular subject matter has been delivered to the learner. The trainer will sign or initial that they have delivered the training. The learner will, as acknowledgement and understanding of the training, sign or initial the appropriate subject matter on the training record form. Training content and records shall be made available for review by an authorised air carrier representative and/or regulatory authority. Where electronic or computer based training record systems are maintained, the content shall include, as a minimum, the learner's name, test mark achieved, date of training and course reference.

**QUALIFICATIONS** Knowledge verification will be required through, where applicable, a written test of the topic trained which shall have a minimum pass mark of 80% and there shall be a review process for addressing all question failures even if the pass mark has been achieved. Practical competency verification shall be achieved through trainer evaluation. Upon successful completion of the above, personnel can be considered as qualified to fulfill their assigned duties. To maintain ongoing competence, each individual's performance shall be assessed at intervals that will be not less than once every three years. This may be achieved by

- Refresher training or
- Observation(s) of the persons performance or
- Written test(s)

**TRAINING PROGRAM ELEMENTS**

**6.1 Safety Training**

**6.1.1 General** The following matrix indicates the subjects that shall be included in safety training according to job function.

Function/subject	1	2	3	4	5
6.1.2.1	All	All	All	All	All
6.1.2.2	All	All	All	All	All
6.1.2.3	All	All	All	All	All
6.1.2.3 a-f, h-n	All	All	All	All	All
6.1.2.4	All	All	All	All	All
6.1.2.5	All	All	All	All	All
6.1.2.6	All	All	All	All	All
6.1.2.7	All	All	All	All	All
6.1.2.8	All	All	All	All	All
6.1.2.9	a-c,	e-g	a-c,	e-g	a-c,
6.1.2.10	X	X	X	All	All

**Legend:**

**Function 1:** Any person whose duties require airside access.

**Function 2:** Any person whose duties require them to operate basic GSE, such as tractors, belt loaders etc.

**Function 3:** As per function 2, plus the operation of specialised equipment, including but not limited to; aircraft movement units, container/pallet loaders, deicers, catering vehicles and also exercises control on aircraft movement operations and performs lead responsibility over other personnel.

**Function 4:** First level of operational management, including supervisory personnel having responsibility for directing staff and equipment resources, controlling the operational activity.

**Function 5:** Station management having responsibility for resource issues, health and safety, incident management and budgetary control.

**Note:** The above functional definitions should not be regarded as exclusive and may be varied as determined by local requirements and considerations.

**6.1.2 Program content**

**6.1.2.1 Safety philosophy**

(a) Company safety policy and program

(b) Employer/employee safety functions and responsibilities

**6.1.2.2 Safety regulations**

(a) International Aviation regulations

(b) National regulations

(c) Airport airside regulations

(d) Safe Working Practices/Safe Operating Practices

**6.1.2.3 Hazards** Examples but not all inclusive: (a)

Vehicle movements (b) Pedestrian movements (c) Aircraft movements (d) Jet engines (e) Propeller driven aircraft and helicopters (f) Aircraft antennae and other protrusions (g) GSE (h) Aircraft fuelling and fuel spills (i) Adverse and seasonal weather conditions (j) Night operations (k) Working at height (l) Slips, trips and falls (m) Noise (n) Manual Handling (o) Runway incursions

6.1.2.4 Human factors (a) Motivation and attitude (b) Human behaviour (c) Communication skills (d) Stress (e) Ergonomics (f) The effects of drugs and alcohol (g) Fatigue (h) Time pressures (i) Peer/management pressure (j) Situational Awareness (k) Team work

6.1.2.5 Airside markings and signage

6.1.2.6 Emergency situations (a) Reporting (b) Injuries (c) Security threats (d) Spillages (e) Location and response to alarms and emergency stops (f) Fuel shut-offs (g) Ground to Flight deck emergency handsignals (h) Fire (i) Severe weather (j) Emergency procedures for on stand evacuation

6.1.2.7 FOD prevention program Refer to AHM635

6.1.2.8 Personal protection (a) Personal protective equipment e.g. Hi-visibility clothing Protective clothing for: Ears, Feet/Toes, Knees, Hands, Eyes (b) Occupational health program (c) Musculoskeletal injury prevention programs (d) Weather exposure

6.1.2.9 Accidents, Incidents and Near Misses (a) Personnel injuries (b) Damage to aircraft, ground equipment and facilities (c) Reporting (d) Investigation (e) Prevention (f) The cost of accidents/incidents (g) Risk assessment review

6.1.2.10 Airside safety supervision (a) Creating an open reporting culture (b) Performance monitoring (c) Co-ordination of airside activities (d) Workload Management (e) Decision Making (f) Planning

6.2 Driver Training

6.2.1 Program content

6.2.1.1 The role and responsibilities of vehicle operators (a) fitness to drive (medical/health standards) per national or airport requirements; (b) use of personal protective equipment such as high visibility clothing and hearing protection; (c) general driving standards; (d) speed limits, prohibited areas and no parking regulations; (e) vehicle reversing; (f) staff and passengers walking across aprons; (g) vehicle towing restrictions; (h) vehicle movement in proximity to maneuvering aircraft and navigational equipment/signage; (i) smoking restrictions; (j) FOD - types, effects and required action; (k) assurance of vehicle suitability for the task and used correctly; (l) consequences of contravening rules and regulations related to operation of vehicles airside.

6.2.1.2 Vehicle/equipment standards (a) condition and maintenance standards agreed at aerodrome and/or national level; (b) requirements to display obstruction lights and company insignia; (c) requirements and content of daily vehicle inspections; (d) agreed standards of aerodrome and company vehicle fault reporting and rectification; (e) local requirements for the issue and display of Airside Vehicle Permits (AVPs)

6.2.1.3 Hazards of airside driving (a) the danger zones around aircraft, (b) engine suction/ingestion and blast, propellers and helicopters, (c) aircraft refuelling, (d) fuel spillage. (e) congestion on the ramp.

6.2.1.4 Reduced visibility procedures (a) driving at night; (b) driving in adverse weather conditions, particularly low visibility.

6.2.1.5 Accident and incident reporting procedures (a) action to be taken in the event of a vehicle accident, (b) action to be taken in the event of a vehicle striking an aircraft, (c) action to be taken in the event of fire, (d) action to be taken in the event of aircraft accident/incident, (e) action to be taken in the event of personal injury.

6.2.2 Aprons, stands and airside roads These elements are supplementary to that outlined in 6.2.1 above.

6.2.2.1 Familiarization with the apron layout: operational stands, vehicle corridors, airside roads, aircraft taxi lanes, etc. (a) the general geography of the local aerodrome; (b) aviation terminology used; (c) interpretation of airside markings and signage; (d) markings and lights for both vehicles and aircraft; (e) signs, markings and lights used to guard runways; (f) any controlled/uncontrolled taxiway crossing procedures.

6.2.2.2 Airport rules, regulations and/or procedures pertaining to airside vehicle operations (a) rules of air traffic services as they relate to vehicles, particularly rights of way; (b) specific aerodrome regulations, requirements and local instructions; (c) local methods used to disseminate general information and instruction to drivers; (d) local methods used to disseminate information regarding works in progress.

6.2.2.3 Procedures for crossing aircraft movement areas

6.2.2.4 Pedestrian crosswalk rules

6.2.3 Maneuvering area Vehicle operators requiring operational access to maneuvering areas shall receive additional training to that outlined in 6.2.1 and 6.2.2 above. This training shall include:

6.2.3.1 Identification of obstacle free areas, e.g. navigation aids, limited access areas

6.2.3.2 Aerodrome Regulations and Requirements

6.2.3.3 Air Traffic Control (a) function of aerodrome control and its area of responsibility; (b) function of ground movement control and its area of responsibility; (c) normal and emergency procedures used by ATC relating to aircraft; (d) ATC frequencies used and normal handover/transfer points for vehicles; (e) ATC call signs, vehicle call signs, phonetic alphabet, standard phraseology; (f) demarcation of responsibilities between ATC and Apron Control if applicable.

6.2.3.4 Aerodrome Layout (a) standard ICAO signs, markings and lights used on the maneuvering area; (b) signs, markings and lights used to protect the runway; (c) description of equipment essential to air navigation such as ILS; (d) description of protected zones related to ILS antenna; (e) description of ILS protected

areas and their relation to runway holding points; (f) description of runway instrument/visual strip, cleared and graded area; (g) description of lights used on the maneuvering area with particular emphasis on those related to low visibility operations.

6.2.3.5 Hazards 6.2.3.6 Radio communication requirements and procedures (a) radio procedures to be used, if applicable; (b) light signals used by ATC, if applicable; (c) how to contact the local aerodrome safety unit.

6.2.3.7 Aircraft Familiarisation (a) knowledge of aircraft types and ability to identify all types normally operating at the aerodrome; (b) knowledge of Airline call signs; (c) knowledge of aircraft terminology relating to engines, fuselage, control surfaces, undercarriage, lights, vents etc.

6.2.4 Driver evaluation In order to determine the competency (both knowledge and skill) of the airside driver applicants, the training program must include two forms of evaluation: (a) a theory test that challenges the applicants' recall of important information, procedures, policies, rules and driving restrictions; and, (b) a practical test that challenges the applicants' ability to apply the airside vehicle operation requirements (application of knowledge) and, ability to operate vehicles and equipment (employer specific) (performance) in the performance of their duties airside.

6.2.4.1 Evaluation Elements Shall include, but not be limited to: Aprons, stands and airside roads (a) airside service roads, taxiway crossings and any restrictions during low visibility; (b) aprons and stands; (c) surface paint markings for vehicles and aircraft; (d) surface paint markings that delineate the boundary between aprons and taxiways; (e) signs, markings and lights used on the taxiway and help indicate runways ahead; (f) parking areas and restrictions; (g) speed limits and regulations; (h) hazards during aircraft turnarounds and aircraft movements. Maneuvering area: (a) all runways (including access and exit routes), holding areas, taxiways and aprons; (b) all signs, surface markings and lights associated with runways, holding positions, CAT 1/2/3 operations; (c) all signs, surface markings and lights associated with taxiways; (d) specific markings that demarcate the boundary between aprons and maneuvering area; (e) navigation aids such as ILS, protected area, antenna, RVR equipment and other meteorological equipment; (f) hazards of operating around aircraft landing, taking off or taxiing; (g) any locally used naming convention for particular areas or routes. As determined by local requirements all Airside Drivers shall be required to take a refresher/recurrent evaluation at pre-determined intervals.

6.3 Aircraft Handling Training 6.3.1 Introduction The functions of aircraft handling include, but are not limited to: (a) assembly of load in bulk or in ULDs; (b) loading/off-loading of aircraft; (c) completion of Loading Instruction Report (LIR); (d) aircraft movement; (e) provision and operation of ground support equipment; (f) provision and operation of passenger, crew vehicles and ambu-lift; (g) toilet/water servicing; (h) cabin servicing; (i) catering; (j) fuelling; (k) aircraft deicing/anti-icing; (l) efficient management of resources, such as personnel, loading and servicing equipment, etc.; (m) co-ordination between departments and functions involved in the handling of an aircraft.

6.3.2 General Personnel shall, as appropriate to their job function, receive training on the applicable subjects in the following list: (a) airside safety; (b) security regulations; (c) irregularity/incident/accident reporting procedures; (d) manual handling of load; (e) safety during aircraft fuelling; (f) principles of aircraft loading; (g) handling of loads requiring special attention; (h) loading incompatibilities; (i) handling of aircraft Unit Load Devices (ULDs); (j) operation of aircraft loading systems/securing of ULDs; (k) identification/consequences of malfunctions of in-plane loading systems; (l) consequences of load damage and spillage; (m) positioning and operation of loading and servicing equipment; (n) notification to Captain of load being carried; (o) passenger embarkation/disembarkation procedures; (p) standards of aircraft cleaning, lavatory and fresh water servicing; (q) aircraft movement operations.

6.3.3 Program content Training content shall be based (where applicable) on the safe operating practices in: IATA AHM 590 (Load Control) IATA AHM 630 (Aircraft Handling) IATA AHM 631 (Aircraft movement operations) IATA AHM 634 (Passenger Boarding Bridge Operations) AHM 610 GUIDELINES FOR A SAFETY MANAGEMENT SYSTEM INTRODUCTION A safety management system is a formal structure that an organisation uses to reduce risk; of injuries and/or damage to product and property. Good safety management is more than just a legal and moral requirement. A safety management system, if properly practiced is an investment that will continuously improve an organisation's overall performance, achieve reduction in costs and maintain the integrity of the operation. RATIONALE FOR A SAFETY MANAGEMENT SYSTEM Corporate officers carry the main responsibility for the safety of their operations. Every organisation has a duty to ensure that activities performed by and for the organisation, whether regulations are in place or not to cover a particular activity, are conducted with reasonable care and due diligence and that everything reasonably practicable has been done to protect the health and safety of their employees and others. This duty of care also extends to agents and sub-contractors of the organisation. Parties to a contract (formal or informal) should ensure that a safety management system has been developed and implemented for each party named in the contract. If everyone in

the workplace is aware of their legal and moral obligations and takes reasonable care, then there should in effect be a safer workplace.

### COMPONENTS OF A SAFETY MANAGEMENT SYSTEM

The following components should be included, as a minimum in a safety management system. For each component where specific procedures and processes are necessary, checklists or flow charts should be developed in order to facilitate implementation. All policies must be complemented with clearly defined procedures and processes as to how the policy is to be implemented and managed. All components of a safety management system should be reviewed on a regular basis to ensure they remain current and relevant to the organisation.

**3.1 Policy** A policy statement regarding company health and safety goals should: be signed by the most senior person in the organisation; contain a clear statement of objectives; contain senior management commitment; promote a safety culture; and be relevant to the organisation's operations.

**3.2 Purpose** The purpose of the safety management system should be defined in a statement that: clearly indicates principles and measures necessary to ensure conformity to state and local safety regulations; and clearly indicates the organisation's safety requirements.

**3.3 Applicability** Identify to whom the health and safety principles and measures outlined in the safety policy apply, e.g.: employees; agents; subcontractors (including contracted parties i.e. construction work, repair work etc.); and others.

**3.4 Responsibilities** Ultimate responsibility for the safety management system remains at all times with the most senior person in the organisation, however responsibility for the implementation of the safety management system may be delegated to another person or persons. A statement naming the person responsible for ensuring the implementation of the safety management system is required. Health and safety responsibilities of managers and employees at different levels in the organisation should be defined and documented, such documentation may include one or more of the following: health and safety responsibility statements; part of an employee's job description; or part of formal and/or informal work performance appraisals; and that line managers and supervisors will be held responsible for the health and safety performance of their employees. Management must provide a framework to encourage employee participation. This can be achieved through employee involvement in: making safety decisions safety and health committees problem solving accident/incident investigations safety communication It should be clearly stated that every employee has direct responsibility for health and safety as an essential part of their job. They are responsible to work in a safe manner and to comply with both legislative and company requirements and safe work procedures. It does not matter who or where the person is in the organisation, they achieve health and safety in a way that suits the kind of work they do. Each person takes initiative on health and safety issues and works to solve problems and make improvements on an on-going basis. All personnel must: work to prevent accidents and injuries; accept that accidents and injuries have causes that can be eliminated or reduced; accept that risk can be constantly reduced; accept that health and safety is an essential part of doing their work (health and safety is not an extra, it's part of the job); have a clear understanding of what they are responsible for, what they can do to change matters, and when things must be done; ensure the maintenance of health and safety standards on the job and in the workplace in general; have a clear understanding of their own skill, ability and limitations, and should have the capacity to carry out their responsibilities; personally and/or in cooperation with others strive to improve work processes and reduce risk by continually looking to exceed minimum standards.

**3.5 Safety Training** A safety management system requires implementation of health and safety training programs. All training programs must be documented including: descriptions of the content of the training programs; induction, "on the job" and refresher/recurrent courses; records of completed training; dates of training courses; competencies of employees (licences, permits and certificates); and medical fitness reports.

**3.6 Standard Operating Procedures** A safety management system requires the development of standard operating procedures and safe work practices. The procedures and practices should: be relevant to the organisation's operations; contain a description of the tasks and associated hazards; outline control measures and methods to reduce or eliminate health and safety risks; and reference any state or local Regulations, Codes of Practice or industry standards.

**3.7 Human Factors** It is the responsibility of management to recognize the influence of human factors in safety performance. A human factors program contains the following elements: (a) Reporting/Disciplinary Policy (Just Culture) (b) Human factors training (c) Procedural compliance (d) Injury prevention (e) Fatigue/alertness management (f) Event investigation (AHM 652 and 653) (g) Auditing and assessment

**3.8 Managing Risk** A process for management of risk must be included in the safety management system. Procedures must be established for both hazard identification and risk assessment. For clarity and commonality, a standard risk flow chart should be used. Risk assessments should be completed for all work to be performed at the work site, including contracted work performed by third parties that are not associated with the primary services of the



organisation. A process must be established that determines action to be taken as the result of hazard identification and risk assessment findings. Risk assessments and control measures should be documented and maintained on file for future reference.

3.9 Audits and Inspections Audits and inspections play an important role in the identification of hazards, system and personnel failures and in the development of control measures. The safety management system should include an outline of the procedures and methods by which workplaces will be inspected on a regular basis. Individuals performing audits and inspections should be proficient in safety auditing, proficiency being in accordance with state and industry standards. The audit and inspection procedures should include the following: details of how the audit or inspection will be undertaken, including; checklists; frequency of audits and/or inspections; who will conduct the audits and/or inspections; and how control measures will be implemented; details of hazard reporting procedures including hazard report forms; and details of specific activities or areas targeted for inspections, e.g. hazardous materials, electrical safety and fire hazards.

3.10 Safety Performance Monitoring Safety performance monitoring is important in order to enable management to identify trends that could have a negative effect on safety. A safety management system should therefore include a description of the monitoring system in use. The following should be documented: procedures for an incident/accident reporting system; details of an investigation system and related procedures; procedures for the dissemination of safety information; and details of how incident/accident statistics are to be compiled and distributed.

3.11 Emergency Response A safety management system should include contingency plans in order to ensure proper response demanded of different parts of an organisation when an emergency arises. The purpose of contingency planning is to: minimise and alleviate the trauma to those directly involved with the emergency; minimise any negative effect on the organisation; and minimise disruption to the continued operation of the organisation.

REFERENCES (IATA Airport Handling Manual)

4.1 Programs Airside Personnel: Responsibilities, Training & Qualifications AHM 611 Risk Management for Ground Operations Programs AHM 621

4.2 Operating practices Safe Operating Practices in Aircraft Handling AHM 630 Safety Considerations for Aircraft Movement Operations AHM 631 Guidelines for the Handling of Emergencies Requiring the Evacuation of an Aircraft During Ground Handling AHM 633 Basic Safety Requirements for Aircraft Ground Support Equipment AHM 913

4.3 Performance monitoring Recommendations for Airside Safety Performance Audits AHM 612 Ramp Incident/Accident Report AHM 650 Airside Safety Investigation Training AHM 651 Recommendations for Airside Safety Investigations AHM 652 Carrier Guidelines for Calculating Aircraft Ground Accident Costs AHM 660

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Airports Council International Europe (ACI EUROPE)**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

ACI EUROPE is the European region of Airports Council International, the only worldwide professional association of airport operators. ACI EUROPE represents over 400 airports in 46 European countries. Member airports handle 90% of commercial air traffic in Europe, welcoming more than 1.5 billion passengers each year. In this role, ACI EUROPE is pleased to provide detailed comments on the application of the Directive 96/67 and its possible revision.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Self-handling: The possibility to sub-contract operations in the area of self-handling is clearly excluded by the Directive. Sub-contracting refers indeed to an official contractor and a sub-contractor operating for it, which is clearly not the case in a self-handling operation. Furthermore, self-handling may be made only by carriers (users). Operating self-handling via sub-contractors is a tool for certain airlines to circumvent the law, exert more pressure on the operators and turn the objectives of the Directive to liberalise the market upside-down. Third-party handling: It is difficult to completely forbid sub-contracting in case of third-party operations and to require each contractor to provide the full range of operations required. Sub-contracting is part of general business operations; it is however important to guarantee a framework for sub-contracted operations. First of all, it is important for security and safety reasons that the airport authority is aware of all companies and their staff operating at the airport. Furthermore, when the number of providers is limited on the ramp for space and capacity reasons, the multiplication of the number of companies including sub-contractors will systemically increase the need for space (see Commission expertise and decisions on exemptions). Finally, the selection in a tender procedure is made on an intuitu personae basis, which means according to the specific characteristics of a candidate. When selecting the operators, it is important for the independent authority to know if the candidate will operate himself the activities. Sub-contractors should thus be declared at the earliest stage of the procedure and then be approved by the relevant independent authority. Furthermore, granting licenses to a limited number of official but almost "virtual" operators which will subcontract the main part of their services with no declaration is not in line with the objective of the Directive to open the market. In addition, for both safety liability and security reasons, sub-contracting 'in cascade' should not be allowed. Experience shows indeed that even if the operator is legally liable, it is very difficult to enforce this rule from an operational point of view.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The Airport Authority is in charge of coordinating all operations at the airport. The quality of service is therefore paramount to maintain the efficient operation of the airport. Airports recognize that the final level of service has to be agreed between the client (airline) and its ground handling operator. However, in order to ensure the smooth management of the airport, it is necessary to define a minimum level of service. This minimum level will depend on the type of airport (hub/small airport). Minimum quality standards need to be introduced, not only in the selection procedure, but also for all operations at the airport, including the ones which are part of a completely opened market. This quality of service standard requires minimum training of staff. It is indeed surprising that all staff working on the ramp side has to be security trained, but no

obligation is required for their day-to-day business. Absence of training will be detrimental for the whole management of the airport and may also have consequences on both safety and environmental issues. Therefore, the Directive should impose that clear minimum training requirements for staff employed in the Ground Handling Operations will be established.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

At many airports, questions related to social protection (e.g. transfer of staff) constituted one of the main areas of concern when the market was opened. The Ground Handling market is indeed very volatile and companies may change at each new tender procedure. This leads to important uncertainty for staff which could at each new selection be submitted to the rules and social level of the new operator. It is therefore necessary to ensure a better continuity of staff working levels.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Working conditions are mainly linked to the economic and financial performance of the ground handling operator. It is thus important to ensure an appropriate economic performance and to avoid short periods of selection. In this respect, sub-contracting is detrimental to working conditions due to the even stronger pressure which is put on the non-official operator. Bad working conditions are partly due to the absence of harmonised rules on minimum training requirements and the working environment. In such a competitive market, working conditions including the training of staff should therefore apply to all operators in order to avoid a race to the bottom.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Working conditions are mainly linked to the economic and financial performance of the ground handling operator. It is thus important to ensure an appropriate economic performance and to avoid short periods of selection. In this respect, sub-contracting is detrimental to working conditions due to the even stronger pressure which is put on the non-official operator. Bad working conditions are partly due to the absence of harmonised rules on minimum training requirements and the working environment. In such a competitive market, working conditions including the training of staff should therefore apply to all operators in order to avoid a race to the bottom.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Security: Strict security requirements need to apply to all employees operating at the airport. Specific security training is provided for people working on the ramp side. Furthermore, background checks need to be conducted. However, the volatility of the market and the turnover in certain companies (e.g. cleaning) in direct contact with the aircraft could lead to security problems. Furthermore, bad working conditions and low levels of wages, which characterise the ground handling industry, do also have a direct impact on the security at an airport. Moreover, a liberalised market leads to an increased number of employees in the restricted parts of the airport. Safety: The level of safety is directly linked to the outsourcing of certain activities and training requirements for staff employed by ground handling operators. Some airports have experienced problems with sub-contractors not respecting fundamental safety rules, leading to incidents with often outdated equipment. In addition, an efficient supervision of workers at the ramp is becoming increasingly difficult.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

ACI EUROPE favours an extension of the maximum length of the contract to 10 years. This should allow the ground handling operator to operate in a more stable environment, also in light of the necessary investments in equipments etc. In an increasingly competitive environment, it is necessary to allow handlers a minimum return on investment, positively impacting on the social and working conditions. At the same time, it will ease the administrative burden for airports by reducing the number of tender procedures to conduct.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

The User Committee should reflect the point of views of the carriers as clients of the handling companies. It is important to guarantee that Ø only users (carriers) are members of the Committee; Ø there will be no conflict of interest with a user also acting as a provider of service; airlines that operate ground handling services at the airport should not be part of the vote; Ø the positions of all users involved are reflected: the report should not only reflect the point of view of the majority (quite often one or two carriers), but also other views in order to allow the decision body to take the right decision. The role of the Users Committee has to be a pure consultative one (in order to avoid too many conflicts). However, the authority in charge of the selection should duly justify any decision not following the recommendation of the Committee.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

According to the Directive, self-handlers have to be selected on objective and transparent criteria when their number is limited. Usually, the chosen criterion is the volume of traffic at the airport. ACI EUROPE believes, however, that it is important to ensure stability by specifying a minimum amount of time that a self-handling airline can keep its business even if the traffic volume varies. Such stability may be achieved both for self-handling carriers and for third party handling operators by aligning the duration of the self-handling licence with the length of the contract for third-party operators.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

ACI EUROPE believes that any legislation should closely follow the decisions of the ECJ in this matter. No additional definition of a 'reasonable profit margin' is needed. This notion is already defined by court decisions according to each specific sector.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

The fees and charges for centralised infrastructure should be part of a transparent process and could be discussed in the framework of the consultation under Article 13. There is no need for a specific independent authority on ground handling issues, given the additional administrative costs for all stakeholders involved. The necessary transparency of the process is fully guaranteed by a strict application of Article 13.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The separation of accounts is required of all ground handling providers. However, for the time being this requirement is only followed by airports - which in addition are not allowed to cross-subsidize

their handling activities with their aeronautical revenues. Therefore, it should be clarified that the prohibition to cross-subsidize refers only to purely aeronautical revenues (charges), for which the airport is acting as an authority. Other commercial revenues of the airport may well be used to sustain other activities of the airport (in line with the ECJ decision on Telecom). The compliance with the provision to separate accounts and the absence of cross-subsidisation is overseen by an independent authority. It is at the level of the Member State to define the setting of the independent authority. Some interested parties contested the independence of the auditor. For ACI EUROPE, however, the independence of a public authority (as a préfet or a judge) may not be more questionable than the independence of a private auditor paid by the airport operator. The ground handling activities are defined as commercial ones by the Directive itself and publication should not go further than normal requirements concerning any other commercial activities. Infringements of such rule would lead to anticompetitive situations.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

If the objective of the separation of accounts is to avoid any abuse of dominant position, the other stakeholders should be subjected to a similar regime. However, if such a separation is not imposed on other operators, only the general competition rules should apply. Furthermore, if the legislator considers the market at the level of the airport by imposing specific rules to the airport, it should also be considering the same rules in order to prevent certain ground handlers to offer their services at dumped prices by cross-subsidising their operations through benefits from operations at other airports. If airports may be considered in a dominant position in their own premises, they are usually in a weaker position at the level of the market itself as they are limited to only one airport.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Part of the duties of the airport is the obligation to welcome passengers and airlines. In case no ground handler is willing to provide a specific ground handling service, it is the airport that is required to provide these services. Indeed, it occurred that certain independent providers decided to leave the market or were bankrupt and the airport was subsequently required to provide the services, as other handlers were not interested in the business. Indeed, as the Directive requires to prepare another tender procedure, independent competitors are not interested in equipment in material and staff for a short period of time. Airports are already obliged to find providers or to provide themselves certain services when there is no competitor on the market; at the same time, they need to share the market as soon as another handler is interested in providing such service. It is therefore not acceptable to exclude them from the market when competitors are interested. The issue of preventing the airport to provide services at its own premises by imposing it to go through tender procedures was already raised when the current Directive was adopted. At that time, it appeared legally difficult to impose such limitations. Furthermore, this limitation was not required in the liberalisation process of other sectors - a position which has been confirmed since then by courts in other sectors.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Airports have limited space availability. When the market is completely open, a situation may arise that a new handler cannot be accommodated. ACI EUROPE understands that it is difficult to limit the number of handling companies below the level of operators already present. This question arose when the Directive was implemented at certain airports where good service was not ensured due to the big number of competitors in a free existing market. However, when the market is open but the airport cannot accommodate an additional handler, the Member State should have the possibility to impose a limitation (and thus to open a tender procedure if the number of candidates is bigger). The main objective of the Directive is first to impose the principle of an open market and then to grant the possibility to limit the number when constraints occur. This means that constraints, and thus limitations, may vary in time (new capacity) and in space (a terminal may be

more open than another one, or a cargo area more than the passenger terminals). A completely open market would only be possible at few airports when considering the limited space on the apron. However, some small airports considered the possibility of completely opening the market. It was also due to the limited interest of the operators and the view that the number may be stable in the absence of a real market. This would also avoid the administrative burden of organising a tender procedure and facing complaints. However, from a legal point of view, such a complete opening may be organised only if all operators are submitted to strict rules of conduct at the airport. These rules are often imposed in the tendering process but in some Member States, the airport does not have the possibility to ensure the full respect of these rules, particularly in a completely open market. This point should in any case be clarified at EU level. The airport authority is in charge of coordinating all activities at its premises. This includes the management of space, also on the apron, and to determine the areas for all operators for the best possible management of the operational system. Non-discrimination is part of the airport authority's main duties and it is not necessary to impose additional rules in this respect. In conclusion: Ø In the case of fully open markets for air side activities, it is necessary to set up a possibility to prevent any additional operator (limitation) from operating at the airport (due to space and capacity constraints) and thus to limit the number; Ø submit all operators to certification (staff and material); Ø submit all operators to clear rules of conduct at the airport.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Airports have limited space availability. When the market is completely open, a situation may arise that a new handler cannot be accommodated. ACI EUROPE understands that it is difficult to limit the number of handling companies below the level of operators already present. This question arose when the Directive was implemented at certain airports where good service was not ensured due to the big number of competitors in a free existing market. However, when the market is open but the airport cannot accommodate an additional handler, the Member State should have the possibility to impose a limitation (and thus to open a tender procedure if the number of candidates is bigger). The main objective of the Directive is first to impose the principle of an open market and then to grant the possibility to limit the number when constraints occur. This means that constraints, and thus limitations, may vary in time (new capacity) and in space (a terminal may be more open than another one, or a cargo area more than the passenger terminals). A completely open market would only be possible at few airports when considering the limited space on the apron. However, some small airports considered the possibility of completely opening the market. It was also due to the limited interest of the operators and the view that the number may be stable in the absence of a real market. This would also avoid the administrative burden of organising a tender procedure and facing complaints. However, from a legal point of view, such a complete opening may be organised only if all operators are submitted to strict rules of conduct at the airport. These rules are often imposed in the tendering process but in some Member States, the airport does not have the possibility to ensure the full respect of these rules, particularly in a completely open market. This point should in any case be clarified at EU level. The airport authority is in charge of coordinating all activities at its premises. This includes the management of space, also on the apron, and to determine the areas for all operators for the best possible management of the operational system. Non-discrimination is part of the airport authority's main duties and it is not necessary to impose additional rules in this respect. In conclusion: Ø In the case of fully open markets for air side activities, it is necessary to set up a possibility to prevent any additional operator (limitation) from operating at the airport (due to space and capacity constraints) and thus to limit the number; Ø submit all operators to certification (staff and material); Ø submit all operators to clear rules of conduct at the airport.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Harmonisation is already established by imposing full opening of the market as the first principle; limitation is being considered as a derogation. The number of handlers for airside services is determined by the space and capacity of a given airport. However, it does also depend on the

situation at each airport and may vary within a single airport (terminal, specific areas). In addition, the available space may evolve in time. Against this background, it is not the number of passengers that should determine the number of handlers, but the capacity and space at the airport. Furthermore, a simple threshold as proposed will not take into account the real contestable market at the airport. A completely open market on the ramp will lead to strong operational problems if handlers are able to enter and leave the market at their will.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

A full opening of the market will lead to space and capacity problems at airports. First and foremost, operational problems may arise if ground handlers do not have the necessary space to operate efficiently. As a consequence, the quality of service at the airport as a whole may deteriorate. In addition, the high number of staff on the ramp may lead to additional shortcomings in the compliance with security and safety standards. Finally, there may be an increased pressure on the social protection of staff due to the strong competition between the high numbers of ground handlers.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Usually, general rules referring to the liberalisation of the market make it difficult to limit the market once it is fully opened, e.g. in case an airport falls below the scope of the Directive due to falling passenger numbers. The European air transport market has changed, nowadays airlines can enter a market or leave within months. Therefore, a mechanism based on two or three consecutive years of reaching the threshold could partly solve the problem.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

First of all, the main criteria for further opening the market should be the contestable market and not passenger numbers. At big airports, the main carrier typically performs self-handling. This automatically reduces the scope for new entrants to get parts of the market, hence the contestable market at some airports may be very limited (sometimes only 15-20% of total passengers). Therefore, the guiding principle when assessing the scope for further market opening should be the contestable market, at least by putting aside the self-handling part.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

There is a need in many Member States for a better harmonisation of the approval procedure at airports. A real approval for the performance of ground handling activities together with clear rules (justification of adequate staff and material) is important for an effective operation of ground handling activities at an airport.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

There is a need in many Member States for a better harmonisation of the approval procedure at airports. A real approval for the performance of ground handling activities together with clear rules (justification of adequate staff and material) is important for an effective operation of ground handling activities at an airport.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

The current strict definition of self handling was adopted to prevent operators from bypassing the law. This definition should be maintained in order not to jeopardize the objectives of the Directive.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

The handling of freight at many airports is more open due to historical capacity and space reasons - in particular as some freight is handled at night with more flexibility and less space constraints. When considering the need to limit the number of operators, space and capacity at peak ground handling hours is the main criteria. In addition, the zone to handle freight is often in another area of the airport. If there are specific needs for some operations (e.g. coffins, art work etc.), the operator should be subjected to specific training before operating.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Category I is already opened. The definition is based on the IATA classification used by all ground handling operators and should not be amended. Amending the definition may lead to confusion and disputes.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

It is difficult to better define the concept of Centralised Infrastructure (CI) than in the current Directive. In addition, clarification has already been provided in several decisions referring to exemption procedures (decision concerning Cologne Airport). The CI is defined by the Member State and depends on the situation at each airport (e.g. de-icing is not considered as CI when provided by trucks because in this case the de-icing may be split between different operators). The definition in the EU Directive is therefore adequate and sufficiently clear to cater for the specifics of individual airports.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

For European airports, it is important to ensure a smooth operation of all activities on their premises. The area of ground handling is a core element of an airport's operations - any underperformance of service providers and ground handlers may have serious consequences on the overall quality of service at the airport. Shortcomings in the area of ground handling do not only affect its image, but also have negative consequences on the real operations at the airport. To ensure a consistently high level of quality in ground handling services, minimum training requirements for all staff are therefore essential. This should be a prerequisite for the approval to perform ground handling operations at the airport, based on clear criteria. Airports often concluded service level agreements with airlines which include legal and financial consequences. They are obliged to deliver quality service operations, but are not controlling two determining elements: immigration and/or security and ground handling operations. Airports could thus be subjected to penalties for delays or operational shortcomings which may have originated from the same airlines or other carriers imposing pressure on their ground handling agents. In addition, ground handling operators MUST have sufficient insurance coverage in the case of accidents and damage claims; in the past, it has been noted that individual ground handlers had serious shortcomings in this area. On a general note, we would like to highlight the fact that a wider liberalisation of ground handling services will have a bigger impact on small and medium- sized ground handling operators, which is likely to lead again to more concentration in the market (neo-liberalism).

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling



providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Cork Airport, Dublin Airport Authority**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Operations Project Executive. My role is to ensure Cork Airport's compliance with Ground Handling Regulation and processing of Ground Handling applications from interested operators at Cork Airport.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Governing rules should be introduced for any operator operating in a Ground handling capacity at the airport. The same rules should apply across the board. Advantage: Transparency, completeness and consistency.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Agree for some areas i.e. Safety and security training. Advantage Consistency. Disadvantage: Extra paperwork, policing / Auditing. Setting levels brings with it higher levels of responsibility and bureaucracy.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

N/A - There is a national system in place in Ireland to protect workers and worker's conditions.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

- This is adequately covered in the Irish National System

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

We do not see any benefit to this. It has not been an issue for Cork Airport to date.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

We have not.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

We do not see any advantage.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

We have not experienced any issues and would be happy to continue as is.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In general we do not agree - but if there are lack of facilities and space or impacts on safety or operations then mechanisms need to be reviewed. Adv.: Clarity / no ambiguity. Possible issues are being addressed before they become a problem. Disadv.: Restrict local decision making. There is a risk of losing new airlines to the airport.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Adv.: A clear system is in place to introduce charges.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Adv.: Independence / Objectivity. Disadv.: Additional bureaucracy. It could prove inhibitive to small operators.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

N / A (not applicable)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

N/A

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

An airport cannot be unbiased. The process will not be transparent. It could inhibit an airport from providing a Ground handling service at its own airport.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The second two options might be preferable. Definitions could try to tie in with SLAs of current operators.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Adv.: Transparency and fairness.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

From al small Airport's perspective - Space constraints and limited market.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

No Advantage. Disadv.: Who provides investment required for additional infrastructure as required. The Ground Handler can leave and facilities will be left idle and not paying for themselves.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

N / A

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

N/A

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

This is already in operation in Ireland. Disadv.: Ground hanclers that operate in other European States often do not understand why they have to get national and then seperate Airport approval. Not consistend with other states and is time consuming.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

The question is not clear

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

No change is required

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

N / A

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

N / A

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

N / A

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

None

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Staff salaries etc. -National Employment Legislation. Health and safety - National Health and Safety Executive. Staff Transfer - National Employment Legislation.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Infratil Airports Europe Limited**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Infratil Airports Europe Limited (IAEL) owns and operates two airports in the UK - Glasgow Prestwick Airport and Kent International Airport. IAEL also operates ground handling functions at both airports. Our interest in commenting on the Ground Handling Directive is primarily as an airport authority although we operate in a contestable ground handling market at Glasgow Prestwick Airport (oscillating around the 2m pax p.a. threshold).

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Sub-contractors need to comply with the same safety and security requirements as principals and to have the relevant competence/expertise to undertake the sub-contracted services. This may be achieved through a state-imposed licensing mechanism (adopted in some EU member states) or by the requirement to comply with the airport authority's safety and security regime and objective, transparent and non-discriminatory competence criteria (if any) - the latter being our preference to reduce the regulatory burden on airport authorities. No party should be providing ground handling services without meeting these pre-requisites. The ARC study indicates that these minima are currently on the whole being met. As a matter of contract law, the airline will look to the principal ground handler to be liable for the provision of services. If the principal ground handler sub-contracts, it needs to "back to back" its responsibility and liability with its sub-contractor. Our preference would be for the same type of model to be applied to sub-contractors generally under the Directive. Sub-contractors should be liable for their activities. Sub-contracting should only be permitted where the principal ground handler has a presence at the airport, so as to ensure a clear line of accountability to both the airline customer and the airport authority.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The ARC report indicates that minimum quality measures already form part of the national licensing regimes in a number of member states - many of these considerations originate in safety and security obligations of the airport authorities and national governments and are explicitly referenced in Article 14. We are concerned that the Ground Handling Directive may be made over-specific in this regard if quality measures were imposed under it, beyond the outline provided in Article 14. This would have the consequence of increasing the regulatory burden without delivering any palpable benefit. Our preference would be that it is made clear that quality and competence measures based on safety and security considerations (in their wider context) remain legitimate benchmarks to be applied to ground handlers by airport authorities in the absence of, and/or in addition to, national licensing regimes - this may be, but need not be, achieved through an airport specific licensing regime (it is up to each airport authority to determine its approach). In other words, airport authorities should be empowered to impose their own licensing regimes. As always, such provisions should be objective, transparent and non-discriminatory in their application. The exclusion of unsafe, incompetent ground handlers is not contrary to these principles, nor should any arguments to this effect be countenanced.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

We do not see any advantage in introducing specific transfer of staff measures in the Ground Handling Directive. Such matters should be dealt with under Directive 2001/23 as with any other business operating in the EU.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

We do not see the need for a requirement for an airline representative to be present at an airport where it has contracted a ground handler to undertake its representational functions. To do so would be to add an extra layer of cost to airline operations, which may make the use of the airport less viable. However, it is not unreasonable to require airlines to make known to their passengers in a clear and unequivocal manner the person to whom they should go at the relevant airport to assist them with any ground handling or other airline related issues - we assume that this will ordinarily be the ground handling category 1 ground handler. While it is desirable that airlines have a legal presence in each country they service for regulatory and legal accountability purposes, we are unsure that it is appropriate to include such an obligation in the Ground Handling Directive - it is an issue for the airlines and their customers, rather than imposing further obligations on the ground handlers.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

The entity responsible for safety and security at an airport (frequently the airport authority under its licensing regime) should not be impaired in fulfilling its obligations on grounds that a non-compliant ground handler seeks to assert its access to market right under the Ground Handling Directive, arguing that compliance with safety and security rules is an excessive economic burden to the ground handler. As always, such safety and security provisions should be objective, transparent and non-discriminatory in their application. The exclusion of unsafe, incompetent ground handlers is not contrary to these principles.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

We believe it is appropriate that the airport authority's right to earn a reasonable return on capital / make a reasonable profit margin should be enshrined in the Ground Handling Directive. However, we remain to be convinced that the introduction of a specific formula as to how this return is calculated would assist, given that airport authorities demonstrate a number of different business models and enjoy different costs of capital. If the charges proposed by an airport authority were excessive, remedies exist under general competition law.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

The imposition of an independent authority to adjudicate on airport installations' fees and charges adds a further regulatory burden which would need to be paid for by the industry generally (not just airports) and may tend towards encouraging airport users to adopt a more litigious approach to infrastructure fee payment, thereby causing delay in expenditure on necessary infrastructure by the airport authority with its concomitant effects on aviation safety and efficiency. We are yet to be convinced that such an independent body would improve matters.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

All ground handling operations, whether undertaken by an airport authority, an airline or an third party ground handler, should be treated on the same basis. Therefore, separation of accounts, by activity and location, should be applied universally. There has been some suggestion that separation of accounts should only apply to airport authority ground handlers in conjunction with a single till approach. If the basis for this is that airport authority ground handlers should not be able to benefit from other commercial revenue raised, then the same must go for third party ground handlers and airlines as between locations. It is not clear to us why cross subsidization between the operations of an independent ground handler at different airports is acceptable. Such cross subsidization may have also anti-competitive effects.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

In an fully opened airside market which has become saturated, space should in the first instance be managed by ensuring that ground handlers only have sufficient equipment airside necessary to service the needs of their existing clients. Ground handlers should not be permitted to monopolise unused space to prevent competitors' advantage and a mechanism could be permitted to allow the reallocation of premises in accordance with market share, subject to payment of market rates for that facility. Such a mechanism would need to be implemented by the airport authority, acting in



an objective, transparent and non-discriminatory manner. Airport authorities should not be required to build further facilities, although some may choose to do so if demand and aviation utilisation is continuing to grow.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

The issue of oscillation around the two million passenger / 50,000 tonnes of freight threshold is only problematic if the Directive is interpreted as mandating two ground handlers be in place once this threshold is passed. The correct interpretation of the Directive is rather that a second ground handler cannot be refused entry to that ground handling market when this threshold is passed. For many airports hovering around the two million annual passenger threshold, particularly those with a single carrier providing the majority of the traffic such as is found at many regional airports, it is often not economic for a second ground handler to enter the ground handling market (particularly in relation to ramp handling and fuelling). By leaving the thresholds as currently set out, this optimises the competitive features of the Directive - often airport authorities want the opportunity to seek new entrants in some areas covered by the Directive: it should not be assumed that airport authorities always wish to restrict access. We do not believe imposing a consecutive three year threshold assists - what happens if an airport has 2.1m pax in years 1, 2, 4 and 5 and only 1.9m pax in year 3 - on this basis, that airport would not be open to have its ground handling liberalised. This result is contrary to the spirit of the Directive, as much as is any attempt to mandate in the face of commercial reality the minimum number of ground handlers once the 2m pax threshold has been reached. We would not recommend changing the current thresholds in respect of when access to the ground handling market is liberalised.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

The ARC report tends to concentrate on larger airports with annual passenger throughput of more than five million passengers. The Ground Handling Directive is equally applicable to smaller airports, such as ourselves, oscillating currently around the two million passenger threshold. Many of the issues addressed in the consultation paper seem to be directed at issues arising at larger airports, particularly those where airside ground handling has been restricted. We are concerned to ensure that any amendments made to the Directive to liberalise practices at these larger airports do not impose excessive regulatory burdens on smaller, regional airports such as ourselves, which may compromise the economics of our operations and therefore strangle diversity in the aviation market. Smaller airports have the benefit of reduced congestion and decentralisation of services. Additional regulation should only be imposed where it is demonstrated that the total cost associated with a regulatory measure are outweighed by the offsetting benefits. Replication of regulation is to be avoided where possible, such as any proposal to reiterate existing safety and security regulation in the Directive. Rather, the Directive should make it clear that observance of safety and security regulations should be undertaken, without rehearsing their terms. This ensures that when any regulations change, they only need to be reflected in one place and there can be no confusion.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Belfast International Airport Limited**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

As an airport which is subject to the existing ground handling directive we have an interest in ensuring any changes are beneficial to the safe operation of the airport and enhance the quality of service provided to our passengers.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Ground Handlers do sub-contract currently at airports. This usually requires written agreement from the airport, and the subcontractor should also be required to hold a licence for the aspect of ground handling service they are providing. This licence requirement ensures that standards of safety, environmental compliance and service quality are maintained for the airport's airline customers. Subcontracting will also usually require the handler to obtain written consent from each airline customer. The main contractor is also likely to be held responsible by each airline customer for the maintenance of standards, and must demonstrate effective management, oversight, and control of subcontracted services. Such subcontracting is common for services such as coaching and deicing.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Training of staff is an important issue that has so far been left to chance. There should be minimum requirements in place for Ground Handlers based on standardised training requirements. There have been so many instances of serious aircraft damage across Europe caused by ground handling staff. The safety of aircraft can only be enhanced by the introduction of mandatory minimum training requirements. At tender stage, bidders should be required to provide proof of appropriate training systems, and these systems must be available for audit at any stage by authorised persons from both the airport and the airlines as required. All ground handling companies should be ISAGO certified. This may be required at time of application, or within 12 months of contract award. In addition, and as a minimum, key staff should also be qualified/licensed. Ramp Managers, Station Managers, Turnround Supervisors, Load Controllers and Pushback and de-icing personnel should be trained and licensed. All other staff must be trained and qualified to minimum standards. These measures will ensure the quality of the staff is improved, resulting in better standards of service to airlines, and improved safety standards for aircraft. Quality standards must be included at tender stage. Some of these will be related to safety and environmental performance as well as customer service standards. The KPIs can be applied locally, but should be indicated at tender stage so prospective bidders are aware before they commit to contract application. Placing such requirements in the Regulations will improve the quality of life of a generally poorly paid section of the aviation community, and will provide Europe wide improvements in service and safety.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Within the UK, the transfer of staff is covered under TUPE regulations (Directive 2001/23/EC). This gives protection of employment conditions to staff when an existing "contract" is reassigned to a new contractor. If such regulations are not applied in all EU countries, then they should be. All GH

contracts should be covered by this legislation. It should not be necessary to include such regulations within a new GH Regulation, but a requirement to comply with such Regulations where they exist would protect the rights of handling staff. Placing such requirements in the Regulations will improve the quality of life of a generally poorly paid section of the aviation community. Better conditions for the staff will also result in Europe-wide improvements in service and safety.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

GH staff are often on payment rates close to “minimum wage”. If staff are required under this review (I refer to question 5) to be more highly trained, and even “licensed,” to undertake GH duties, then payment rates should reflect that. Placing such requirements in the Regulations will improve the quality of life of a generally poorly paid section of the aviation community. Better conditions for the staff will also result in Europe-wide improvements in service and safety.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Airlines should be required to be legally represented by their handler. This should include representing them in aircraft damage, aircraft recovery, aircraft accident and other emergency situations. Handlers should also be required to have staff licensed to ride brakes to allow aircraft to be relocated on airport as required in the absence of aircrew. This allows critical infrastructure to be maintained available when weather and ATC disruption affects airports. Such measure will assist in maintaining operational capability in line with future SES requirements. In the interests of passengers it is essential that airlines are fully represented by handlers in the event of cancellations, delays and other operational incidents that affect passengers at the airport. The largest area of complaints received by the Consumer Council are airline related complaints, and often it is because of no airline representative available when passengers have a problem. Generally, the airport then gets the blame for failures in handler services.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

There are risks associated with having too many handlers at an airport. The pressure for airlines to reduce costs can result in handlers reducing the quality of service provided, and reducing the salary of staff. As a result, lower quality staff are recruited. One side-effect of this is an increased risk of aircraft damage. Airports are monitoring accident rates closely to try to identify and quantify this risk. It is important, however, that the Commission accept the relentless downward pressure on cost of handling may result in increased incidents.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

In general, extending the period of any contract can result in reduced levels of safety and quality performance. Contractors who have long term contracts (5 years plus), feel too comfortable in their position, and do not concentrate enough on the standards of service they provide. Shorter term contracts helps to keep them focussed on winning a renewal of the contract. We would recommend reducing the contract length from 7 years to 5 years, but including an extension clause which is linked to minimum performance standards within the contract. Such standards to be agreed at local level with airport and airport users. Shorter contracts will help to maintain high levels of service quality.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Tenders must be evaluated objectively. Whilst there is a role for Airport Users in initially agreeing performance standards, specifications, KPIs etc, it is also true that there is often a conflict of interest as the User representative is either a handler themselves at the same airport, or another airport. Users who are themselves either handlers or part owners of handling companies should not be permitted to participate in tender assessments. They may be used to assist in preparation of the specification and performance standards, but decisions on tenders must be made by the airport which remains legally responsible for the contract. Where the airport is also a handler or part owner of a handling company, then the evaluation process for the tender bids should be agreement in advance and should include a Users representative (who is not themselves a handler).

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Self handling would tend to be self-restricting. Generally it is only larger airlines operating in larger airports who find it economically viable to self-handle. As a result we would not see it necessary to specify mechanisms in the Directive for this eventuality.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Reasonable profit margins may have national and regional variations. We do not believe that it is right to (for example) set a profit margin suitable for London, Paris, Berlin or Madrid, and apply it to Cardiff for example. In addition, airports which require significant development to increase or improve facilities will be required to pay for such development themselves. This requires a reasonable level of profitability to fund it. Since state aid is not available to airports, and small regional airports cannot benefit from cross subsidisation which airports within a large or nationalised group (eg Aena, Fraport, ADP or BAA), such smaller and privatised airports requiring development must be self-funding from their own individual profitability. Therefore we would suggest that setting a specified "reasonable profit margin" would be grossly unfair on small regional airports. It may however, be fair to impose a "cap" on the profit margin of nationalised airport companies or large airport groups in relation to fees charged for access/infrastructure use. In addition, regular changes to airport security requirements means airports are required to increase levels of security at short notice with a resultant increase in cost. It is generally not possible to recover that cost easily from companies using the service. Within update Ground Handling Regulations, it should be made possible for airports to increase an element of their access charge following a requirement to increase security. Where an airport is a Ground Handler in its own right, it must charge the same access fee (including profit margin) to its own company as it does to others.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

We would suggest that such a body would not be required for airports where the profit obtained from access charges is below a specified limit. The cost of such a body would outweigh the benefits. If an individual airport is making less than £ \*\*\* k profit per annum from access/facility use fees in relation to Ground Handling, then there should be no cap on profit, and no requirement for independent monitoring. In larger operations where the profit levels are large, then monitoring may be considered. In UK this could be Economic Regulation Group of CAA.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Where an airport is also a Ground Handler, then there must be transparency of accounts to ensure that no cross subsidisation is occurring that would be detrimental to fair and open competition on airline contracts. Where an airport is not a ground handler the issue is simpler. The only requirement for transparency is then on the level of access/facility use charge. Placing unnecessary transparency requirements on airports will have the result of adding staff and system cost to the licensing process. This in turn will have to be reflected on the access charge, resulting in an unnecessary additional expense for ground handlers. In addition, any “independent examiner” will seek to recover costs in relation to this work. Again this adds an unnecessary expense where the airport is not also a ground handler.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

We do not believe that the addition of any further “precision” would bring any tangible benefits, economic, social or environmental. As most if not all providers of groundhandling services will be pursuing their business through a body corporate which will be subject to the requirement to lodge annual financial statements under a national framework or under IFRS, an additional layer of compulsory public reporting will only add to cost, which will ultimately have to be borne by the consumer. However, we do agree that any independent examiners reports should be publicly available in the interests of transparency.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Whilst the inclusion of airports and their subsidiary handling companies in the provision for tendering adds to cost, given that such a tendering process has to be published within the Official Journal, and thus it could be argued that it would lead to an increased cost which has to be borne ultimately by the consumer, it is an equally valid argument that all parties seeking to provide groundhandling services should be required to compete on a “level playing field” with no particular advantage being granted to any party. Ultimately the market will determine what is an acceptable level of charge for the provision of groundhandling services, particularly where the existing Directive has introduced the element of open competition.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

In the interests of equity, we believe that space made available to groundhandling activities should be allocated on the basis of the respective volume of business carried out by each company, with some variation permitted for those activities which require a greater intensity of equipment, such as freight handling.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

In practical terms, this allocation and reallocation of space could not take place any more frequently than perhaps every two years. Economically, this means that space is allocated according to the volume of traffic handled by each groundhandler, whilst they in turn only pay for the space that is necessary to carry out their contractual obligations. Such a system would provide a discouragement for established handling providers who would wish to block the entry of others to the market by occupying space that is not justified by their traffic levels and provide encouragement to new entrants.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Transparency and simplicity would be served better if all groundhandlers were able to compete across the EU for either airside or landside contracts, without restriction. The current regime is inconsistent across EU member states and requires greater transparency.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

The opening of the market for either airside or landside handling services to any groundhandler, with a consistent application of the rules by all EU member states would bring greater economic benefits for air carriers when letting ground handling contracts as they can achieve economies of scale which can then be passed on to the consumer by way of the level of airfares.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

In the current economic circumstances, there will be many airports where traffic levels will oscillate around the limits set under the current Directive. For most this is likely to be a temporary situation, so the introduction of a minimum benchmark period of three years is to be welcomed in introducing an element of stability to this aspect of the business.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

However, it may also be appropriate to re-visit the current thresholds with a view to the introduction of a “sliding scale” which would relate the minimum required number of providers to the expected annual levels of traffic at the airport. The current Directive does not sufficiently discriminate between airports at the lower end of the traffic scale and those towards the upper end, in terms of minima for the number of suppliers. Perhaps it would be appropriate to consider the introduction of steps based on an analysis of traffic at Community airports over the last four or five years, to determine if there are a number of natural “bands” that emerge from that exercise that could be used as the basis of determining the corresponding number of groundhandling providers.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

It is probably the case that, regardless of the conditions or lack of conditions set by each member state, most airports will have set minimum standards that much be demonstrated as achievable by groundhandlers in order to qualify them to apply for a licence at that airport. It is likely that, whilst there is some commonality between these standards, there will also be areas of difference. In the interest of transparency and equity, it may be appropriate to develop a common set of qualification standards which groundhandling companies would have to meet before they could be permitted to apply to any airport in the EU. This would at least remove inconsistency and subjectivity from the approvals process.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Three issues which should concern the EU in setting criteria for approval in this area would be that of airside safety awareness (which relates to training and supervision), output quality standards (again relating to training, but also customer service awareness) and staff welfare (which relates to minimum rates of pay and working hours). Groundhandling, compared to the business of operating aircraft and airports, is a relatively lightly-regulated business and needs to take a greater level of consistence of standard-setting.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

It would be beneficial to introduce a consistent definition of what qualifies as self-handling, based on identifying who the beneficial operator of the aircraft is, regardless of the means by which the equipment is procured and operated.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

The comments set out at 25 above apply equally to freight handling, which is also relatively lightly-regulated. The issues which should concern the EU in setting criteria for approval in this area would be that of airside safety awareness (which relates to training and supervision), output quality standards (again relating to training, but also customer service awareness) and staff welfare (which relates to minimum rates of pay and working hours). In addition, perhaps more attention needs to be paid to the criteria for licensing in relation to unusual freight, such as dangerous goods.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

No comment to make on this issue

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

An attempt should be made to agree a broad definition of what constitutes "centralised infrastructure" in order to reach common agreement on what elements of infrastructure should be cost-allocated to groundhandling service providers. This ensures economic pricing is fair and consistent.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

No comment to make on this issue

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Sources of data: National Statistics Offices ACI Europe Financial reports of groundhandling providers Airport Operators Association in UK and equivalents elsewhere in EU Health & Safety Agencies European Court



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Exeter International Airport**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Senior Ramp Officer, Exeter international Airport

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Flughafen Hamburg GmbH**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Als Flughafen Hamburg haben wir die Entwicklungen bis zur Markttöffnung nach Inkrafttreten der BVD-RL nicht nur sehr eng begleitet, sondern ebenfalls auch aktiv mit der Landesluftfahrtbehörde durchgeführt. Es handelt sich um ein Kernprozess der Flughäfen, da die BVD-Dienste für das Gesamtsystem Flughafen sowie dessen quantitative sowie qualitative Performance von entscheidener Bedeutung sind. Grundsätzlich halten wir eine Änderung der Richtlinie für nicht notwendig. Klarstellende Ergänzungen sollten von der Kommission in einem Erläuterungspapier zu den jeweiligen Vorschriften formuliert werden.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Grundsätzlich stehen wir dem „Subcontracting“ bei Dienstleistern kritisch gegenüber. Wir sehen die Gefahr, dass in diesem personalintensiven Geschäft aufgrund des Preisdrucks der Airlines die BVD-Mitarbeiter schlechter entlohnt werden. Es könnte deshalb ein Weg sein, dass die Kommission in ihren Erläuterungen zur RL darauf hinweist, dass „Subcontracting“ auf eine Ebene zu beschränken ist und nur transparent und mit Zustimmung des Flughafens erfolgen darf. Eine diversifizierende Subunternehmerlandschaft hätte ebenfalls negative Auswirkungen auf Ressourcenauslastungen und Schnittstellenproblematiken in der operativen Realität. Eine weitere Aufspaltung der Aufgaben am Flughafen Hamburg führen mittelfristig zu einer Erhöhung der Kosten im Gesamtsystem BVD, da die derzeitigen Effizienzen und Synergien so zukünftig nicht zu heben wären. Weiter sollte klargestellt sein, dass ein Dienstleister die aus der Beauftragung resultierenden Aufgaben, zumindest überwiegend selber ausführt und sich zum Zweck der Vertragserfüllung nicht ausschließlich Subunternehmer bedienen darf. Die Kommission wird hier auf ein „level playing field“ achten müssen. Selbstabfertiger dürfen keine Subunternehmer beschäftigen, Art 2 BVD-RL, dabei muss es auch bleiben, damit die Lizenzierungssystematik nicht unterwandert wird.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

„Minimum-service-standards“ sind bereits nach der geltenden Richtlinie einführbar. Dies wurde auch in Deutschland gemacht (siehe Anlage 3 zu § 8 BADV). Das deutsche System ist erprobt und hat sich bewährt. Die Vereinbarung von Qualitätskriterien liegt im ureigenen Interesse der Flughäfen, so dass diese regelmäßig bilateral vereinbart werden. Deshalb sehen wir hier keinen Änderungsbedarf.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Der Flughafen Hamburg hat das Wegbrechen von Marktanteilen durch die Zunahme des Verkehrs respektive natürlicher Fluktuation kompensieren können. Betriebsbedingte Kündigungen in nennenswertem Umfang waren nicht notwendig. Auch die Frage eines Betriebsüberganges stellte sich bisher nicht. Es ist allerdings vorhersehbar, dass, wenn Lizenzen von Dienstleistern auslaufen und ein neuer Dienstleister in den Markt eintritt, der bisherige Dienstleister den Mitarbeitern kündigt und der neue Dienstleister neue Mitarbeiter einstellt. Wir schlagen vor, dass die

Kommission in einem Erläuterungspapier zur Richtlinie klarstellend vorgibt, dass ein Dienstleisterwechsel nach Ablauf der Lizenz als Betriebsübergang anzusehen ist. Die Produktionsbedingungen am Standort „Flughafen“, müssen im Interesse der Airlines über den Konzessionswechsel hinaus gesichert werden. Das hat seinen Grund darin, dass der Flughafen keine Kapazitäten mehr vorhält um den Wegfall des Dienstleisters kompensieren zu können. Vorteil aus Sicht der Arbeitnehmer ist, dass das Ende der Lizenz des Arbeitgebers nicht den Verlust des Arbeitsplatzes bedeutet. Dies wäre ein probates Mittel, um auch während der Übergangszeiten zumindest ein bislang erreichtes Qualitätsniveau für alle Kunden aufrechterhalten zu können.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Das seit der Liberalisierung etablierte Niveau der Arbeitsbedingungen am Flughafen Hamburg ist angemessen und spiegelt im Vergleich zu komplett offenen Märkten ein wettbewerbsfähiges Preis/Leistung Verhältnis wieder. Eine Beurteilung und Würdigung dieser Parameter sollten durch die einzelnen Mitgliedsstaaten in dem jeweiligen Umfeldern vorgenommen werden.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Das Problem stellt sich in der operativen Realität nicht, da jede Airline einen entsprechenden Abfertigungsagenten als Repräsentanten vertraglich gebunden hat.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Bisher ist keine Häufung von „safety/security“ Problemen in größerem Ausmaß bekannt. Die fortschreitende Liberalisierung könnte jedoch in Zukunft zu Problemen führen. Hintergrund ist zum einen die zu beobachtende Verschlechterung der Personalqualifizierung und zum anderen der steigende administrative Aufwand zur Überprüfung der Personen, welche Zugänge zu den Sicherheitsbereichen erhalten müssen. Hinzu kommt der erhebliche Kostendruck im Markt, welcher zu einer schlechteren Bezahlung des Personals führt und damit neben einer Verschlechterung der Abfertigungsbedingungen und Gerätschaften auch die Motivation beeinträchtigt.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Aus Sicht des Flughafen Hamburgs sollten die Lizenzen immer wieder neu vergeben werden und keine Erbhöfe zementiert werden - 7 Jahre sind ein dafür angemessener Zeitraum

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Die Praxis zeigt, dass die berechtigten Anliegen des Nutzausschusses bei der Auswahlentscheidung berücksichtigt werden. Die auswählende Stelle (Behörde oder Flughafen) muss jedoch auch die Interessen des Gesamtsystems Flughafen berücksichtigen und braucht dafür Entscheidungsspielraum ohne Bindung an die Vorgabe einer Interessengruppe. Erschwerend kommt hinzu, dass durch die Struktur des Nutzausschusses durchaus Einzelinteressen entstehen können, welche das Gesamtsystem negativ belasten könnte.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Ist in der Praxis nicht relevant - es gibt praktisch keine Interessenten für Selbstabfertigung und Airlines nutzen nicht einmal die vorhandenen Lizenzen. Die Frage ist außerdem in Deutschland in der Umsetzungsvorschrift bereits geregelt (Anlage 2 zu § 7 BADV)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Genauere und detaillierte Vorgaben für den Zugang zu / die Nutzung von Flughafeninfrastruktur in der BVD-RL sind nicht erforderlich. Den Rahmen für diese Entgelte gibt auch die EntgeltRL vor.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Eine zusätzliche Behörde für BVD-Fragen wäre ein unvertretbarer Verwaltungsaufwand, der lediglich die Kosten für alle am System Beteiligten erhöhen würde.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Weitere Regelungen bringen keinen praktischen Nutzen. Methoden / Regeln geben unabhängige Wirtschaftsprüfer vor, die die effektive Trennung bestätigen müssen.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Auch hier gilt, dass weitere Regelungen keinen praktischen Nutzen bringen: Die Prüfung erfolgt durch unabhängige Wirtschaftsprüfer, die strengen Berufsregelungen verpflichtet sind. Eine generelle Veröffentlichungspflicht zum Prüfungsergebnis halten wir für überzogen. Interessiert daran sind die Nutzer. Diese werden über den Nutzerausschuss informiert.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Der Vorschlag widerspricht Europarecht. Er wurde schon vielfach diskutiert und deshalb verworfen: Das BVD-Geschäft war und ist Kerngeschäft der Flughäfen. Eine Pflicht zur Teilnahme am Ausschreibungsverfahren käme in der Konsequenz einer Enteignung gleich. Der Status der Flughäfen als ein „gesetzter“ BVD-Dienstleister muss auch in Zukunft Bestand haben. Es ist nicht richtig, dass der Flughafen gegenüber Dritten Dienstleistern einen Wettbewerbsvorteil hat. Umgekehrt haben unabhängige Dienstleister, die europaweit oder weltweit tätig sind, den Vorteil, dass sie „Multistationcontracts“ abschließen können, während der Flughafen auf seinen Standort beschränkt ist. Weiter haben Dienstleister die an verschiedenen Standorten tätig sind die Möglichkeit Quersubventionen zwischen diesen Standorten vorzunehmen. Auch dies ist ein Vorzug, den der örtlich tätige Flughafen nicht hat.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Vernünftige Lösungen müssen im Einzelfall entwickelt werden. Deshalb ist eine gesetzliche und schematische Lösung abzulehnen. So ergeben sich z.B. neue Konstellationen hinsichtlich des Platzbedarfs bei einer Änderung des Verkehrsaufkommens oder einem Wechsel des Kunden. Dienstleister und Flughafen müssen hier im Einzelfall eine Lösung finden. Dies fordert auch das Wettbewerbsrecht. Eine Spezialregelung in den BVD-Vorschriften ist überflüssig.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Beschränkter Platz an allen Flughäfen ist ein wichtiges Thema. Dies muss sich die Kommission insbesondere bei Überlegungen für eine weitere Liberalisierung vor Augen halten. Die Praxis zeigt, dass Platzknappheit im Ergebnis das Gesamtsystem deutlich teurer macht. Die Bindungs- und Wegezeiten sowie die Anzahl an Equipment erhöhen sich automatisch, da eine Flugzeugpositionierung nicht in Abhängigkeit mit den Abstellflächen einzelner Dienstleistungsunternehmen vorgenommen werden kann.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Eine europaweite Harmonisierung des Marktes erscheint überambitioniert und unnötig - örtliche Besonderheiten würden keine Berücksichtigung mehr finden. Mehr wäre erreicht, wenn Brüssel europaweit auf eine ordnungsgemäße Umsetzung der bestehenden RL hinwirkt. Hier darf nicht der zweite vor dem ersten Schritt gesetzt werden.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Die Flughäfen stehen einer vollständigen Marktöffnung kritisch gegenüber. Vorteil ist das Entstehen von Qualitäts- und Produktivitätsdruck. Nachteil ist ein Effizienzverlust: Das Abfertigungsgeschäft hat aufgrund der typischen Flugpläne mehrere Arbeitsspitzen. Die Aufteilung des Abfertigungsgeschäftes auf beliebig viele Dienstleister vertieft die Täler zwischen diesen Spitzen. Außerdem werden sich die Kosten für das Gesamtsystem mittel- bis langfristig steigern, z.B. weil Platzprobleme Ausbaumaßnahmen notwendig machen. Darüber hinaus werden die Abfertigungsprozesse durch weitere Dienstleister zunehmend komplexer, da sämtliche Aktivitäten verzahnt ineinandergreifen müssen. Nach unserer Einschätzung kann dies dazu führen, dass durch den zunehmenden Wettbewerb die Verdienstmöglichkeiten für keinen Dienstleister mehr ausreichend sind. Qualitätsverluste sind dann absehbar. Schließlich ist zu bedenken, dass die mit einer vollständigen Marktöffnung verbundene Umbruchsituation im BVD den sozialen Frieden gefährden könnte.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Der vorgeschlagene Mechanismus ist nicht hilfreich. Es soll bei dem vorgegebenen Schwellenwerten bleiben, und zwar sowohl bei einer Überschreitung des Schwellenwertes (dann Zulassung eines Dienstleisters) als auch beim Unterschreiten (Erlöschen der Lizenz des Dienstleisters). Allerdings gelten auch für Flughäfen die erstmals einen Schwellenwert überschreiten, die oben angesprochenen Punkte (Platzmangel-Verkehrsdichte-Kostensteigerung-sozialer Friede)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Für die großen Flughäfen sehen wir keinen Bedarf für eine Erhöhung der Anzahl der Dienstleister. Wir geben zu bedenken, dass durch eine Zunahme des Verkehrs an größeren und großen Flughäfen in aller Regel der Platz auf der Luftseite sehr knapp wird. Es gelten dann die oben angeführten Argumente. Siehe Frage 19.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Die geltenden Regeln reichen aus, siehe Art. 14 der Richtlinie.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Die geltenden Regeln reichen aus, siehe Art. 14 der Richtlinie.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Wir sehen keinen Änderungsbedarf für die Definition der Selbstabfertigung. Es muss dabei bleiben, dass „Subcontracting“ nicht zulässig ist. Es darf keine Änderung der Definition des Dritten im Sinne von Art. 2 f) der Richtlinie vorgenommen werden. Darüber hinaus darf es auch keine Ausweitung auf „wet lease“ und „dry lease“ geben. Denn mit allen Änderungen der Definition der Selbstabfertigung wird der Marktanteil, der dem Wettbewerb offen steht, verkleinert. In Deutschland hat das Thema keine Relevanz in der Praxis, da keine Airline Selbstabfertigung macht.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Bei spezieller Fracht (z.B. Särge, Kunstwerke) wird im Einzelfall am Flughafen eine pragmatische Lösung gefunden. In der Regel kann der Bestattungsunternehmer unter Aufsicht des zugelassenen Dienstleisters an das Flugzeug heranfahren. Bei dem Tätigwerden von Integrators ist zu differenzieren: - solche, die selbst fliegen, sind Nutzer im Sinn der BVD-RL und können deshalb grundsätzlich im Rahmen der Selbstabfertigung tätig werden. - andere werden sich eines zugelassenen Fracht-Dienstleisters bedienen müssen. Anderenfalls hätten wir eine nicht mehr überschaubare Situation auf dem Vorfeld: Alle Speditionen und Luftfrachtabfertiger, die eilige Tür-zu-Tür-Zustellungen von Dokumenten und Paketen anbieten, wären dann auf dem Vorfeld tätig.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Aus deutscher Sicht stellt dies kein Problem dar.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Die Definition der Zentralen Infrastruktureinrichtungen und ihrer Benutzung ist so weit, dass dem praktischen Bedarf Rechnung getragen werden kann, zumal die Verhältnisse an den Flughäfen nicht einheitlich sind. Wir sehen hier keinen Änderungsbedarf.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Wir sehen hier zwei Themen: 1. Wird ein Flughafen-BVD verkauft, soll die Lizenz für sieben Jahre ab Verkaufsdatum gelten. Die Kommission könnte diese Frage in einem Erläuterungspapier zur Richtlinie klarstellen. 2. Die Kommission muss darauf achten, dass BVD-Dienste künftig wirtschaftlich erfolgreich betrieben werden können. Es darf nicht geschehen, dass alle anderen Interessen der Marktmacht der Airlines untergeordnet werden müssen.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; •



Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Airport Users Committee Heathrow (AUC)**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

AUC Chairperson To maintain a competitive open ground handling market at London Heathrow Airport, which is fair, transparent and improves the quality of services within the ground handling market. The Heathrow AUC would request to be consulted and involved in any future consultation or changes to this directive.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Sub-contracting should be regulated by the governing airport authority through local licence and by-laws. The governance of such sub-contracting should be based on individual airport criteria that take into account security, safety and environmental impacts, as well as accommodation and apron space restrictions. Any sub-contracting activity should be visible and/or transparent to the airport community to demonstrate ability to meet service expectations and adherence to operating procedures of the local airport. In order to remain competitive with the market it is deemed necessary that sub-contracting should remain an open environment.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Basic performance standards should be set out in the ground handling licence as agreed between the airport and AUC to ensure compliance in safety, security and environmental requirements. Quality measures above those basic performance standards should be agreed and measured between the airline and the ground handler.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

The scope of introducing specific measures regarding transfer of staff is not required within the directive as Transfer of Undertaking and Protection of Employment (TUPE) legislation will be complied with in accordance to UK Employment Laws.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Due to the diversity of local airports, specific improvements would be difficult to regulate within the directive, however the directive should recommend a tri-partied approach between the airport authority, airlines and ground handlers, to drive improvements in working conditions.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

The directive should not dictate the airport user should be present at the local airport and the responsibilities of representation by the ground handler should fall to those services only contained within the current directive, i.e. baggage handling, ramp handling, fuel and oil handling, freight and mail handling.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

London Heathrow Airport has not encountered any safety/security problems which could be linked to the implementation of the directive.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

The current 7 years length of period of the contract is deemed adequate to enable a sufficient return of investment by stakeholders. Extension of this period could have converse effects on service levels and therefore maintains a threshold of delivery and compliancy.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

The current contractor approval process at London Heathrow Airport is a consultative process with both the AUC (Airport Users Committee) and the AOC (Airport Operators Committee). This transparent consultative process with the local airport authority does not give rise to conflict of interests.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

The process at London Heathrow Airport for tender selection is applied to both self-handling and third party handling under the same approval process. Applying the same definition of criteria to both parties ensures parity and the ability to operate within the airport operating procedures

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Fee's for access to airport installations should be assessed in a consultative manner through the AUC forum, at which agreement should be reached on what is deemed a 'reasonable fee' for the respective installation taking into account live market and economic conditions

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

An advantage to having an independent authority being in charge of monitoring airport installations fees/charges would be the visibility of operating costs in relation to the services directed in the EU Directive.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The AUC is satisfied that separation of accounts is complied with in relation to the services as listed in the EU Directive.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

The AUC sees no justification for compulsory and regular publication of accounts

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Currently the Heathrow Airport Limited does not provide any services as dictated by the EU Directive for ground handling. However if they were to do so, they would be subject to the same tender process as third party supplier to ensure freedom of choice, an open market and fair competition.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The management of space or any activity relating to ground handling should be done through a consultative process between AUC, the airport company and handler. At London Heathrow this is accomplished through a new entry qualification process which has strict criteria for security, safety, environmental and financial impacts.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

For airports with no limitation in number, of which Heathrow Airport is one, we do not agree with the 3 possible solutions outlined in the paper. We are of the view, where ever possible minimum facilities should be provided for those suppliers wishing to provide services

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

At London Heathrow we believe harmonizing the European ground handling market would lead to a restriction on number of handlers and limit the competition available to the airline community.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

All airports above the given threshold should be permitted to operate a full open market. However restrictions on the grounds of safety, security and environmental concerns may be warranted.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Not applicable to LHR - unable to comment

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Not applicable to LHR - unable to comment

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

London Heathrow currently has a formal approval process through a collective body (AOC) which is independent of the airport managing body, and therefore sees no reason to refine the conditions to obtain an approval.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

AUC sees not advantage in changing the criteria for approval, including training and quality measures, as these are service levels agreed between the airline and their third party supplier.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

The AUC does not see any advantages in refining the boundaries of self-handling

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

The freight market at London Heathrow operates in an open free market that works well. No suggestions for improvement at this time.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Ground handling category 1 (ground administration and supervision) as described in the annex of the Directive no longer reflects the current category 1 of the IATA SGHA 2008. It is recommend the annex and services are reviewed in line with the 2008 IATA Standards.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

The airport authority currently manages the centralized infrastructure at Heathrow Airport and this meets current requirements. The capital expenditure for these centralized infrastructures is published and this process should be extended to the operating costs associated with these infrastructures.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**BAA**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Representing BAA Ltd from an Airside Operations perspective. An interest in anything related to the ground handling of aircraft and any associated organisations.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Yes, for all of the reasons stated in the explanation provided above\*.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

GHOs, in competition for airline business, are sometimes able to secure that business by reducing their costs. This can sometime be achieved without due consideration for the health and safety implications. The introduction of minimum standards, as described above, properly regulated/licensed, would help alleviate the pressure on GHOs to continually reduce costs in this way. Costs will always be a major factor in these negotiations but the introduction of minimum standards will mean that the baseline for certain requirement such as staff training, equipment maintenance etc will be raised. The majority of GHOs utilise the IATA Ground Handling Manual as their 'standard' and there are currently some industry-led initiatives which aim to support GHOs in maintaining high standards. The CAA Ground Handling Operations Safety Team (GHOST) and the EASA European Commercial Aviation Safety Team (ECAST) Ground Handling Safety working group are both making progress in this area. The International Association of Handling Agents (IAHA) have developed some documentation which supports the aims of minimum standards as a requirement.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

In the event of a change of ownership, it is possible that GHOs may allow more experienced, higher paid staff to leave so that overall costs are reduced by employing new starters at lower salaries. In the current economic climate there is no shortage of experienced staff looking for work and the introduction of protective measures for such workers may help in retaining some of them in the industry in preparation for the expected upturn.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

There is a perception within the industry that GHO staff are less worthy. The introduction of some form of licence or qualification for certain roles within the GHO remit would help enhance the reputation and sense of worth of GHO workers.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

An advantage of having airline representation at our airports would be their participation in various safety related meetings which are held regularly and can directly affect their operation or that of their contracted handling agent. Furthermore it would provide someone authorised to accept service of documents on the operators behalf and submit to the jurisdiction of the courts of the country 'England' in our case.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

As a general point, if competition between ground handlers results in marginal pricing, then it may be possible that individual groundhandling companies' safety management systems are compromised.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

The economic impacts of extending the term would be to amortise capital expenditure over a greater period of time and would therefore reduce the expense to airlines. Additionally, an extended term would provide more certainty to ground handlers and would enable them to secure longer term contracts with their customers benefiting staff retention. Finally, a longer term could be used to encourage ground handlers to invest in newer, cleaner and more efficient equipment.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

It might be useful to provide the AUC with a league table style summary of how the various applicants performed during the tender process. In order to protect sensitive data a numbering system could be used so that each company would have a score relative to each other in areas of interest such as health and safety record, staff training, costs, environmental awareness/preparedness, equipment/vehicles. Using such a system would allow for a response document showing why one GHO was successful whilst another was not. As an airport operator, it is not always appropriate to accept the AUC recommendation. Priorities differ between airlines, other service providers and airports.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

From an airport operator's perspective, self-handling organisations are still required to apply for licences to operate airside and are also subject to a ground handling agreement which requires specific performance related criteria to be monitored and minimum standards achieved. The introduction of a mechanism to select self-handling providers, with specific criteria, could underpin the arrangement in place at our airports. It is not possible to have a contiguous level of service unless ALL handling organisations whether independent or not are required to meet the same performance objectives.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

The size, complexity and demand for access to airport installations varies enormously; it would be difficult to define a "reasonable profit margin" And if the definition were restrictive it would dissuade some airports from working towards an improving working environment. As a matter of principle however, access fees cause an increase in costs to airlines via a ground handler which impacts negatively on the competitive nature of the airport.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

There would be no perceivable benefit in the involvement of an independent authority as fees and charges should be transparent to users and their respective AOC's / AUC's

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The existing arrangements should be sufficient if (16) is applied.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

The state's representative should be charged with satisfying himself that all ground handling organisations maintain separate accounts.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

The introduction of a compulsory and robust tender process for a new airport provider of ground handling services is essential. The tender process should be clearly defined in terms of areas to be assessed and weighting of assessment results, therefore users could see the results of this assessment versus other similar tendering organisations to make worthwhile comparisons on a transparent and visible basis.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

At some airports there are significant numbers of vehicles/equipment which are unserviceable, very rarely or rarely used. Research into how much space is required to accommodate vehicles/equipment to service a variety of aircraft types at varying frequencies would assist in determining what the minimum numbers should be. Often the parking areas are on or near aircraft stands, there is some debate as to whether this is the best location for some items. On some occasions, when an aircraft is on stand during a turnround, much of the equipment parked on that stand will not be involved in the turnround of that aircraft. Airports operating a robust vehicle/equipment permit scheme would be able to control numbers and limit companies to only those items which are required according to the defined minima. Redundant GSE, which often is due to the tight profit margins achieved by GHOs and the significant investment required to purchase GSE encourages them to retain surplus equipment when they lose contracts in the hope that they will win new business to back fill.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)



The groundhandling market should be harmonised if the market is to function correctly. The size of the market at each airport will regulate the number of viable handlers provided that they are all required to achieve the same level of performance.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

The groundhandling market should be completely open.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

We do not believe that the mechanism can operate prescriptively without distorting the market.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

There would be no advantages.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; •

Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Gatwick Airport Limited**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

As an airport owner and operator any revisions to the Directive will have the potential to influence the operation, costs and profitability of our business. There are also aspects of the Directive that could be clarified so that its operation does not unnecessarily restrict the commercial freedom of an airport and competition between airports, while at the same time protecting competition in the provision of ground handling services.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The subcontracting of ground handling activities at Gatwick Airport has not been a substantive issue and has only arisen in limited areas (for example over-size baggage and baggage information/recovery). We also have the ability to exert a degree of control and influence over subcontracting through our contractual arrangements with ground handlers. These considerations suggest that further regulations relating to subcontracting are not required.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The quality of groundling services can have an important impact on an airport's reputation and competitive position. We would welcome confirmation from the Commission that the Directive is not intended to restrict the ability of airport owners to impose quality service standards on ground handlers (including establishing appropriate financial incentives) - subject to this not preventing competition in the provision of ground handling services. One area which it might be advantageous to consider explicitly including within the remit of the Directive is the setting of minimum operational standards on aircraft turnarounds. This is a key activity for ground handlers, but at present there is insufficient clarity as to the responsibility for safety and the setting of standards. Any revisions in relation to these matters would need to be aligned with proposals currently being developed by EASA (European Aviation Safety Agency).

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

See answer to Question (7)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

We are not aware of any evidence that suggests further regulation is required relating to the transfer of ground handling staff or working conditions. Any assessment of further regulation should take full account of the possible costs on ground handlers, airlines and passengers.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

As noted in the consultation document a requirement on airlines to either have a representative at each airport or to be legally represented by their ground handler would increase clarity and make enforcement of contractual and other obligations more straightforward. Gatwick Airport supports this proposal.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Gatwick Airport has in the past applied to the CAA to limit the number of ground handlers operating at the airport for safety and capacity reasons. See <http://www.caa.co.uk/default.aspx?catid=78&pagetype=90&pageid=69> The existing processes that allow for limits on the number of ground handlers have worked adequately and in general allowed us to deal with the safety issues associated with competition in the provision of ground handling services. Nevertheless, there are additional issues relating to aircraft turnarounds discussed in response to Question (5) which could be dealt by introducing appropriate changes to the Directive.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

There are significant disadvantages associated with long-term contracts in terms of a reduction in the flexibility needed to adapt to changing circumstances and we oppose any increase in the maximum contract length. If significant investments are required and cannot be funded by ground handlers and/or airlines then there is the flexibility to provide centralized infrastructure consistent with Article 8 of the Directive. It would increase clarity and transparency if the list of examples given in the Directive of activities potentially covered by centralized infrastructure could be extended, for instance to include check-in, the provision of vehicles and other equipment.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

An additional obligation could be included in the Directive requiring the managing body of the airport and relevant competent authority to explain their decisions relating to the selection of suppliers. Members of the AUC who have a conflict of interest relating to ground handling services could be excluded from the decision making process used by the AUC to formulate advice on ground handling services.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Where there is a need to limit the number of self-handlers this should be the responsibility of the managing body of the airport.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

See answer to Question (14)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and

charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

The reasonable level of profit will depend on the precise nature of the services being provided, the associated risks, financing costs and regulatory arrangements for airport charges. Therefore assessing reasonable profits needs to be done taking account of the circumstances of each case and so is not something that should be dealt with by the Directive. Gatwick Airport is not aware that there have been significant problems with the fees and charges for centralized infrastructure and so there does not appear to be a case for increasing the amount of regulatory intervention in this area.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

See answer to Question (16)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

If the regulations with respect to separate accounts are to produce meaningful results then separate accounts for ground handling activities should be audited and published on a regular basis.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Applying the same tendering rules or approvals process for all providers of ground handling services should encourage competition.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

See answer to Question (19)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Gatwick Airport complies with the relevant airfield design standards, nevertheless there is not unlimited space on the airfield. Space constraints are dealt with by allocating available space broadly in line with the size of ground handling activities (measured either in terms of air traffic movements or passengers served). Having the ability to charge for space provides a useful backstop, in that if congestion were to become a significant factor, then the pricing of space would encourage the efficient utilisation of capacity.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

See answer to Question (21)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

The existing arrangements have worked well at Gatwick Airport and there is competition between providers of ground handling services. We see no compelling reason for further regulatory intervention on the grounds of harmonisation. Any changes should focus on areas such as making explicit that airports can introduce minimum quality standards (see the response to Question (5)) - that would boost competition between airports and provide direct benefits for passengers.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

See answer to Question (23)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

We have no objection to the Commission's proposal that an airport should fall above the minimum threshold for 3 consecutive years before the Directive applies. It is not clear that there would be any significant advantages in complicating the Directive by adding more thresholds or tiers. In particular, where the number of ground handlers is restricted at large or very large airports this is presumably objectively justified in terms of safety or constraints on capacity, which would remain regardless of modifications to the Directive, and so further tiers or thresholds would have no real impact on competition.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

See answer to Question (25)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

The existing approval processes work well at Gatwick Airport and so further changes to the Directive in relation to these matters do not seem necessary or appropriate.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

The definition of self-handling has not caused any undue difficulties at Gatwick Airport.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

We are not aware of any evidence that suggests there are significant difficulties with freight handling at Gatwick Airport.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

The definition of ground administration and supervision has not caused any difficulties at Gatwick Airport.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Given the differences between airports then there would be significant advantages in leaving it to the airport or relevant competent authority to decide what constitutes centralized infrastructure. In particular, there is a strong case for allowing check-in facilities to be part of the centralized infrastructure, with centralized check-in having the potential to drive efficiency and improvements in the quality of service to passengers. See also response to Question (10). As for improving management and the passenger experience it should be clear that the airport can impose minimum quality of service standards on ground handlers (see response to Question (5)).

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

None

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

These matters are best addressed by ground handlers and airlines.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Flughafen München GmbH**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: • Untervergabe muss auf alle Fälle möglich sein, da hierdurch die notwendige Flexibilität in der Produktion ermöglicht wird. • Untervergabe darf nur für Dienstleister (inkl. Flughäfen) möglich sein, da sonst das Prinzip der Selbstabfertigung ausgehebelt wird. • Regeln für Untervergabe (Subcontracting) sind wünschenswert. • Unterauftragnehmer müssen über eine entsprechende Lizenz (behördliche Zulassung) für Bodenverkehrsdienste verfügen (vgl. Frage 5).

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: Minimum staff Training / staff qualification Mindestanforderungen für die Ausbildung / Qualifikation von Beschäftigten im Bereich Bodenverkehrsdienste sollten geregelt werden um ein Mindestmaß an Sicherheit (Safety und Security) und Qualität zu erreichen. Genaue Details sind in den Ground Handling Manuals der Fluggesellschaften festgelegt. Qualitätsstandards Qualitätsstandards sind besser auf lokaler Ebene festzulegen, da dadurch auf die verschiedenen Besonderheiten (Anlagen und Terminals, verfügbarer Platz, ...) und Verkehrsstrukturen (Hub, Low Cost, Fracht, ...) eingegangen werden kann. Company licensing / Lizenzierung (behördliche Zulassung) • Eine Lizenzierung (behördliche Zulassung) von Bodenabfertigern verpflichtend vorzuschreiben, erscheint im Zusammenhang mit nötigen Vorgaben zu Haftpflichtversicherungen dringend geboten (s. näher zu Frage 30). • Eine Lizenzierung (behördliche Zulassung) ist gut geeignet um einheitliche Mindestanforderungen (etwa an die Ausbildung und Qualifikation Beschäftigter) sicherzustellen • Soweit Mitgliedstaaten traditionell eine öffentlich-rechtliche Pflicht des Flughafenunternehmens vorgesehen haben, „den Flughafen“ zu betreiben (Deutschland: § 45 Luftverkehrs-Zulassungs-Ordnung), stehen seit der Markttöffnung klare Vorgaben aus, inwieweit Betriebspflichten auch im Bereich von Bodenabfertigungsdiensten gelten und daher auch von dritten Bodenabfertigern mit zu erfüllen sind. Die Richtlinie sollte insofern die Mitgliedstaaten verpflichten, Vorschriften über öffentlich-rechtliche Betriebspflichten den geänderten Verhältnissen anzupassen • Es würde sich anbieten, sachliche Mindestanforderungen an Bodenabfertigungsunternehmen und ihre Tätigkeit europaweit einheitlich vorzugeben, unbeschadet weitergehender angemessener Anforderungen eines Mitgliedsstaats oder an einzelnen Flughäfen (Berücksichtigung örtlicher Besonderheiten). • Ohne eine Lizenzierung ist die Ahnung von Verstößen gegen die Konzessionspflichten nur schwer durchführbar. Die Flughäfen als Erbringer von



Bodenabfertigungsleistungen würden sich bei der Ahndung von Verstößen immer dem Vorwurf aussetzen, nur aus Wettbewerbsgründen zu handeln. Eine Objektivität wird in Frage gestellt. • Liefert einen Beitrag zur Qualität, sozialen Sicherheit und zum Schutz der Umwelt • Objektive Entscheidungen, mögliche Ungleichbehandlungen lassen sich so reduzieren

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: • Über die bestehenden Regelungen auf europäischer und nationaler Ebene hinaus keine weiteren, speziell für die Bodenverkehrsdienste konzipierten Regelungen notwendig. • Ein Betriebsübergang schränkt die unternehmerische Freiheit stark ein. • Bei beschränkter Dienstleistungen ist es im Fall des Wechsels von Konzessionsnehmern sinnvoller für einen begrenzten Übergangszeitraum dem alten und neuen Konzessionsnehmer die Tätigkeit parallel zu gestatten, als den Wechsel über einen Betriebsübergang zu regeln. (vgl. Frage 10) • Für den Fall, dass es mehr als zwei Dienstleister gibt, ist es zudem sehr schwierig, einen Betrieb auf mehrere Unternehmen zu verteilen.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: • Entlohnung und Arbeitszeitbelange sind Sache der Tarifpartner bzw. entsprechender branchenübergreifender Gesetze und Regelungen. Über die bestehenden gesetzlichen Regelungen hinaus bedarf es keiner Ergänzungen. • Regelungen müssen regional/ national/ betrieblich vereinbart werden, um die jeweiligen Rahmenbedingungen zu berücksichtigen. • Negative Auswirkungen auf die Arbeitsbedingungen können durch die in Frage 5 beschriebenen Lösungen reduziert werden.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Ein Problem in dieser Sache ist in München nicht bekannt. Die Leistung wird, wenn gewünscht, vom BVD-Dienstleister übernommen.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: • Bei lediglich Anbieter hat sich aus der Erfahrung gezeigt, dass es zu keiner nennenswerten Zunahmen an Arbeitsunfällen oder Flugzeugbeschädigungen gekommen ist. • Grundsätzlich führt die Zunahme von Personal im Sicherheitsbereich zur einer Reduzierung der Sicherheit (statistisch gesehen). Von daher ist die Möglichkeit einer Beschränkung der Anzahl der Dienstleister auf derzeit zwei notwendig. • Sicherheit (Security) - erhöhte Anzahl von Mitarbeitern durch eine Erhöhung der Anzahl an Dienstleistern in sicherheitsrelevanten Bereichen (Critical Parts) bedingt erhöhte Sicherheitsaufwendungen und -maßnahmen. • Durch eine Lizenzierung (behördliche Zulassung) der

tätigen Unternehmen und Mindestanforderungen für die Ausbildung / Qualifikation (vgl. Frage 5) können negative Einflüssen gemindert werden.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden:

- Eine Konzessionsdauer von sieben Jahren ist zwar angemessen. Eine Verlängerung würde keine wesentlichen Vorteile bringen. Für den Wechsel von Konzessionsnehmern in beschränkten Segmenten bedarf es aber weiterer Regelungen. Ziel muss es sein einen gleitenden Übergang des alten zum neuen Konzessionsnehmer zu ermöglichen.
- Für eine Übergangsfrist von einem halben Jahr sollte sowohl der alte als auch der neue Konzessionsnehmer die Möglichkeit der Erbringung von Bodenverkehrsdienstleistungen haben. Dadurch erhöht sich die soziale Sicherheit der Beschäftigten.
- Die Konzession des alten Dienstleisters muss im Streitfall automatisch verlängert, werden bis die Auswahlentscheidung rechtskräftig ist.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden:

- Die Praxis zeigt, dass die berechtigten Anliegen des Nutzerausschusses, der Arbeitnehmervertretung und des Flughafens bei der Auswahl berücksichtigt werden. Die auswählende Stelle (Behörde oder Flughafen) muss jedoch auch die Interessen des Gesamtsystems Flughafen berücksichtigen und braucht dafür Entscheidungsspielraum ohne Bindung an die Vorgabe einer Interessengruppe.
- Die Regelungen sind ausreichend. Bereits jetzt erfolgt eine schriftliche Begründung und Rechtfertigung der Auswahlentscheidung.
- Ein Problem ergibt sich aber dadurch, dass der Nutzerausschuss keine natürliche oder juristische Person darstellt, die im Falle von Streitigkeiten oder Klagen durch die Entscheidung haftbar gemacht werden kann.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. An der bisherigen Definition von Selbstabfertigung muss festgehalten werden.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden:

- Auf Grundlage des Art. 8 der BVD-Richtlinie und des § 9 Abs. 3 der Verordnung über Bodenabfertigungsdienste auf Flugplätzen (nationale Umsetzung) und ergänzend durch die Entscheidung des Europäischen Gerichtshofs vom 16.10.2003 (C 363/01) sind sowohl die Voraussetzungen wie auch die Rahmenbedingungen für eine Einführung eines kostenbasierten Nutzungsentgeltes bereits geregelt und haben sich bewährt.
- Die Erhebung von Nutzungsentgelten ist grundsätzlich von anderen Luftverkehrsentsgelten unabhängig.

Zudem wurde an einigen Flughäfen das Entgelt für die Zentrale Infrastruktur in die Flughafenentgelte integriert, so dass die Regelungen für Flughafenentgelte (2009/12/EG) dort Anwendung finden. • Es sind dementsprechend keine weiteren Regelungen notwendig. Es besteht die Gefahr, dass sie sonst im Widerspruch zu den Vorgaben der Richtlinie 2009/12/EG stehen. • Die bestehenden Regelungen und Verfahren haben sich bewährt. • Es bedarf keiner weiteren unabhängigen Aufsichtsbehörde. Die hierfür anfallenden Kosten würden in keinem Verhältnis zum Nutzen stehen und müssten auf die Nutzer umgelegt werden.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: • Auf Grundlage des Art. 8 der BVD-Richtlinie und des § 9 Abs. 3 der Verordnung über Bodenabfertigungsdienste auf Flugplätzen (nationale Umsetzung) und ergänzend durch die Entscheidung des Europäischen Gerichtshofs vom 16.10.2003 (C 363/01) sind sowohl die Voraussetzungen wie auch die Rahmenbedingungen für eine Einführung eines kostenbasierten Nutzungsentgeltes bereits geregelt und haben sich bewährt. • Die Erhebung von Nutzungsentgelten ist grundsätzlich von anderen Luftverkehrsentsgelten unabhängig. • Zudem wurde an einigen Flughäfen das Entgelt für die Zentrale Infrastruktur in die Flughafenentgelte integriert, so dass die Regelungen für Flughafenentgelte (2009/12/EG) dort Anwendung finden. • Es sind dementsprechend keine weiteren Regelungen notwendig. Es besteht die Gefahr, dass sie sonst im Widerspruch zu den Vorgaben der Richtlinie 2009/12/EG stehen. • Die bestehenden Regelungen und Verfahren haben sich bewährt. • Es bedarf keiner weiteren unabhängigen Aufsichtsbehörde. Die hierfür anfallenden Kosten würden in keinem Verhältnis zum Nutzen stehen und müssten auf die Nutzer umgelegt werden.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: • Durch die Verpflichtung aus der bestehenden Richtlinie zur buchhalterischen Trennung der Konten, sind etwaige Quersubventionierungen mit Einkünften aus entgeltregulierten Bereichen sofort zu erkennen (Transparenz). • Eine weitere Präzisierung ist aus diesem Grund nicht notwendig und bringt keinen zusätzlichen Nutzen. • Es muss gesichert sein, dass für alle BVD-Dienstleister - nicht nur Flughäfen - die gleichen Regeln gelten um Wettbewerbsverzerrungen zu vermeiden. Es darf nicht zu einer Quersubventionierung von Standorten kommen.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. • Eine weitere Präzisierung ist nicht notwendig und bringt keinen zusätzlichen Nutzen. • Die Separierung der Buchhaltung und deren Richtigkeit wird von einem unabhängigen Wirtschaftsprüfer testiert. • Die Ergebnisse werden von der Aufsichtsbehörde geprüft. Eine weitere Offenlegung würde gegen geltendes Recht bezüglich der Offenlegung von Unternehmensinformationen und Betriebsgeheimnissen sprechen.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. • Der Vorschlag widerspricht Europarecht. Er wurde schon vielfach diskutiert und deshalb verworfen: Das BVD-Geschäft war und ist Kerngeschäft der Flughäfen, eine Pflicht zur Teilnahme am Ausschreibungsverfahren käme in der Konsequenz einem enormen Eingriff in die unternehmerische Freiheit gleich. Der Status der Flughäfen als ein „gesetzter“ BVD-Dienstleister muss auch in Zukunft Bestand haben. • Es bestünde die Gefahr, dass im Falle der Nichterteilung der Konzession am eigenen Standort enormes (langfristiges) Know how mit starken Auswirkungen auf die Funktionalität und die Weiterentwicklung des Flughafens verloren geht. • Massive soziale Einschnitte bei den Mitarbeitern (auch bei den internen Unterstützungsleistungen) wären wahrscheinlich (u.a. betriebsbedingte Kündigungen, Gehaltseinbußen, Verschlechterung der sozialen Bedingungen). • Eine derartige Bewerbungspflicht wurde in der Vergangenheit auch bei der Liberalisierung in anderen Branchen nicht angewendet (z.B. Telekommunikation, Energie). • Ein derartiger Vorgang käme einer Enteignung gleich.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. • Die Bedürfnisse der Bodenverkehrsdienstleister für Flächen und Räume müssen in der Planung berücksichtigt werden. Daher ist es wichtig, dass der Bodenverkehrsdienst auch weiterhin Bestandteil des Flughafenbetreibers bleiben kann. Regelungen müssen individuell am Standort diskutiert werden. • Die Qualität des Flughafens darf durch Platzmangel nicht eingeschränkt werden. • (Zeitlich befristete) Beschränkung der Anzahl der Dienstleister muss möglich sein. Eine vollkommene Marktöffnung wird abgelehnt. • Dies vermindert auch zusätzliche Umweltbelastungen. • Spezielle Regelungen für die Vergabe von Flächen sind nicht notwendig. In einem Einkaufscenter wird der Betreiber auch nicht dazu gezwungen neue Flächen zu schaffen, wenn er alles vermietet hat. • Sollte die Richtlinie geändert werden muss eine Refinanzierungsmöglichkeit für zusätzliche Investitionen des Flughafenbetreibers klar geregelt werden.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. • Die Bedürfnisse der Bodenverkehrsdienstleister für Flächen und Räume müssen in der Planung berücksichtigt werden. Daher ist es wichtig, dass der Bodenverkehrsdienst auch weiterhin Bestandteil des Flughafenbetreibers bleiben kann. Regelungen müssen individuell am Standort diskutiert werden. • Die Qualität des Flughafens darf durch Platzmangel nicht eingeschränkt werden. • (Zeitlich befristete) Beschränkung der Anzahl der Dienstleister muss möglich sein. Eine vollkommene Marktöffnung wird abgelehnt. • Dies vermindert auch zusätzliche Umweltbelastungen. • Spezielle Regelungen für die Vergabe von Flächen sind nicht notwendig. In einem Einkaufscenter wird der Betreiber auch nicht dazu gezwungen neue Flächen zu schaffen, wenn er alles vermietet hat. • Sollte die Richtlinie geändert werden muss eine Refinanzierungsmöglichkeit für zusätzliche Investitionen des Flughafenbetreibers klar geregelt werden.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Eine Harmonisierung ist nicht notwendig und kaum machbar. Nationale, regionale und lokale Besonderheiten sowie die unterschiedlichen Geschäftsmodelle und Verkehrsstrukturen der Flughäfen müssen Berücksichtigung finden. Eine konsequente Umsetzung durch alle Mitgliedsstaaten in nationales Recht ist sicherzustellen.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Aus Gründen der Sicherheit, der Qualität, der sozialen Stabilität, der Vermeidung von Umweltbelastungen und der verfügbaren Flächen und Räumen muss es die Möglichkeit bestehen, die Anzahl der Dienstleister und Selbstabfertiger individuell zu begrenzen. Eine vollkommene Marktöffnung hätte negative Auswirkungen auf alle oben beschriebenen Punkte und auf alle bisherigen Marktteilnehmer. Die für die Branche notwendigen Prozesse und Ressourcenbedarfe verlangen keine unbeschränkte Anzahl an Marktteilnehmer. Sollten mehr als zwei Dienstleister an einem Standort tätig werden, gehen Größenvorteile signifikant verloren. Diese Effizienzverluste würden entweder zu steigenden Preisen oder aber zu einem erhöhten Druck auf die Arbeitnehmer und damit die Qualität und Sicherheit in der Leistungserbringung führen.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollte die EU-Kommission klare Vorschriften/Vorgaben formulieren, wann ein Schwellenwert von einem Flughafen entsprechend der Richtlinie erreicht wurde, z. B. das Überschreiten des Schwellenwerts in 3 aufeinander folgenden Jahren.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Aus Gründen der Sicherheit, der Qualität, der sozialen Stabilität, der Vermeidung von Umweltbelastungen und der verfügbaren Flächen und Räumen muss es die Möglichkeit bestehen, die Anzahl der Dienstleister und Selbstabfertiger individuell zu begrenzen. Eine vollkommene Marktöffnung hätte negative Auswirkungen auf alle oben beschriebenen Punkte und auf alle bisherigen Marktteilnehmer. Die für die Branche notwendigen Prozesse und Ressourcenbedarfe verlangen keine unbeschränkte Anzahl an Marktteilnehmer. Sollten mehr als zwei Dienstleister an einem Standort tätig werden, gehen Größenvorteile signifikant verloren. Diese Effizienzverluste würden entweder zu steigenden Preisen oder aber zu einem erhöhten Druck auf die Arbeitnehmer und damit die Qualität und Sicherheit in der Leistungserbringung führen.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: • Eine Lizenzierung (behördliche Zulassung) von Bodenabfertigern verpflichtend vorzuschreiben, erscheint im

Zusammenhang mit nötigen Vorgaben zu Haftpflichtversicherungen dringend geboten (s. näher zu Frage 30). • Eine Lizenzierung (behördliche Zulassung) ist gut geeignet um einheitliche Mindestanforderungen (etwa an die Ausbildung und Qualifikation Beschäftigter) sicherzustellen • Soweit Mitgliedstaaten traditionell eine öffentlich-rechtliche Pflicht des Flughafenunternehmens vorgesehen haben, „den Flughafen“ zu betreiben (Deutschland: § 45 Luftverkehrs-Zulassungs-Ordnung), stehen seit der Marktöffnung klare Vorgaben aus, inwieweit Betriebspflichten auch im Bereich von Bodenabfertigungsdiensten gelten und daher auch von dritten Bodenabfertigern mit zu erfüllen sind. Die Richtlinie sollte insofern die Mitgliedstaaten verpflichten, Vorschriften über öffentlich-rechtliche Betriebspflichten den geänderten Verhältnissen anzupassen • Es würde sich anbieten, sachliche Mindestanforderungen an Bodenabfertigungsunternehmen und ihre Tätigkeit europaweit einheitlich vorzugeben, unbeschadet weitergehender angemessener Anforderungen eines Mitgliedsstaats oder an einzelnen Flughäfen (Berücksichtigung örtlicher Besonderheiten). • Neben Anforderungen müssen auch Sanktionen definiert werden. • Liefert einen Beitrag zur Qualität, sozialen Sicherheit und zum Schutz der Umwelt • Objektive Entscheidungen, mögliche Ungleichbehandlungen lassen sich so reduzieren.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: • Eine Lizenzierung (behördliche Zulassung) von Bodenabfertigern verpflichtend vorzuschreiben, erscheint im Zusammenhang mit nötigen Vorgaben zu Haftpflichtversicherungen dringend geboten (s. näher zu Frage 30). • Eine Lizenzierung (behördliche Zulassung) ist gut geeignet um einheitliche Mindestanforderungen (etwa an die Ausbildung und Qualifikation Beschäftigter) sicherzustellen • Soweit Mitgliedstaaten traditionell eine öffentlich-rechtliche Pflicht des Flughafenunternehmens vorgesehen haben, „den Flughafen“ zu betreiben (Deutschland: § 45 Luftverkehrs-Zulassungs-Ordnung), stehen seit der Marktöffnung klare Vorgaben aus, inwieweit Betriebspflichten auch im Bereich von Bodenabfertigungsdiensten gelten und daher auch von dritten Bodenabfertigern mit zu erfüllen sind. Die Richtlinie sollte insofern die Mitgliedstaaten verpflichten, Vorschriften über öffentlich-rechtliche Betriebspflichten den geänderten Verhältnissen anzupassen • Es würde sich anbieten, sachliche Mindestanforderungen an Bodenabfertigungsunternehmen und ihre Tätigkeit europaweit einheitlich vorzugeben, unbeschadet weitergehender angemessener Anforderungen eines Mitgliedsstaats oder an einzelnen Flughäfen (Berücksichtigung örtlicher Besonderheiten). • Neben Anforderungen müssen auch Sanktionen definiert werden. • Liefert einen Beitrag zur Qualität, sozialen Sicherheit und zum Schutz der Umwelt • Objektive Entscheidungen, mögliche Ungleichbehandlungen lassen sich so reduzieren.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. • Eine Ausweitung der Definition „Selbstabfertigung“ auf Partner (Star Allianz, Codeshare oder Franchise Partner) sollte nicht erfolgen. • An der bisherigen Definition, inklusive dem Verbot von Subcontracting für Selbstabfertigung, sollte festgehalten werden. • Eine Ausweitung der Definition „Selbstabfertigung“ ist vor dem Hintergrund, dass in Deutschland - außer der DHL (Integrator) in Leipzig - keine Fluggesellschaft Selbstabfertigung betreibt, offensichtlich nicht nötig und aus Sicht des Marktes nicht gefordert.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für

Qualitätssteigerung bei gleichzeitiger Preisreduzierung. • Problem ist nicht bekannt. • Frachtabfertiger sind darauf vorbereitet jede Art von Fracht abzufertigen. • Für Sonderanforderungen werden individuelle Lösungen geschaffen.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Das Problem ist in München nicht bekannt.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. • Die Praxis zeigt, dass die berechtigten Anliegen des Nutzausschusses berücksichtigt werden. • Ein Problem ergibt sich aber dadurch, dass der Nutzausschuss keine natürliche oder juristische Person darstellt, die im Falle von Streitigkeiten oder Klagen durch die Entscheidung haftbar gemacht werden kann.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Grundsätzlich sehen wir keinen Novellierungsbedarf, da die Ziele einer Liberalisierung auch im derzeit beschränkten Markt erreicht wurden. Der bestehende Wettbewerb sorgt für Qualitätssteigerung bei gleichzeitiger Preisreduzierung. Sollte die Richtlinie dennoch einer Revision unterworfen werden, sollten folgende Punkte berücksichtigt werden: • Konzession bei Verkauf eines Flughafen-BVD an Dritte • Klarstellung der (Teil)Übertragbarkeit einer Konzession auch auf ein beherrschtes Tochterunternehmen • Regelungen für den Fall, dass die Konzession nicht innerhalb einer Frist angetreten wird • Einheitlicher Pflicht-Haftpflichtversicherungsvorschriften und behördliches Verfahren zur Zulassung des Bodenabfertigungs • Beseitigung der Wettbewerbsnachteile durch die Vergaberichtlinie für Flughafenbetreiber.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Mitteldeutsche Flughafen AG**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Als mitteldeutsche Flughäfen haben wir die Entwicklungen bis zur Markttöffnung nach Inkrafttreten der BVD-RL intensiv beobachtet. Es handelt sich um ein Kerngeschäft der Flughäfen, da die BVD-Dienste für das Funktionieren der Flughäfen von entscheidender Bedeutung sind. Grundsätzlich halten wir eine Änderung der Richtlinie für nicht notwendig. Klarstellende Ergänzungen sollten von der Kommission in einem Erläuterungspapier zu den jeweiligen Vorschriften formuliert werden.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Grundsätzlich stehen wir dem „Subcontracting“ bei Dienstleistern kritisch gegenüber. Wir sehen die Gefahr, dass in diesem personalintensiven Geschäft aufgrund des Preisdrucks der Airlines die BVD-Mitarbeiter schlechter entlohnt werden. Es könnte deshalb ein Weg sein, dass die Kommission in ihren Erläuterungen zur RL darauf hinweist, dass „Subcontracting“ auf eine Ebene zu beschränken ist und nur transparent und mit Zustimmung des Flughafens erfolgen darf. Weiter sollte klargestellt sein, dass ein Dienstleister die aus der Beauftragung resultierenden Aufgaben, zumindest teilweise selber ausführt und sich zum Zweck der Vertragserfüllung nicht ausschließlich Subunternehmer bedienen darf. Die Kommission wird hier auf ein „level playing field“ achten müssen. Selbstabfertiger dürfen keine Subunternehmer beschäftigen, Art 2 BVD-RL, dabei muss es auch bleiben.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

„Minimum-service-standards“ sind bereits nach der geltenden Richtlinie einführbar. Dies wurde auch in Deutschland gemacht (siehe Anlage 3 zu § 8 BADV). Das deutsche System ist erprobt und hat sich bewährt. Die Vereinbarung von Qualitätskriterien liegt im ureigenen Interesse der Flughäfen, so dass diese regelmäßig bilateral vereinbart werden. Deshalb sehen wir hier keinen Änderungsbedarf.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Die mitteldeutschen Flughäfen haben das Wegbrechen von Marktanteilen durch die Zunahme des Verkehrs respektive natürlicher Fluktuation kompensieren können. Betriebsbedingte Kündigungen in nennenswertem Umfang waren nicht notwendig. Auch die Frage eines Betriebsüberganges stellte sich bisher nicht. Es ist allerdings vorhersehbar, dass, wenn Lizenzen von Dienstleistern auslaufen und ein neuer Dienstleister in den Markt eintritt, der bisherige Dienstleister den Mitarbeitern kündigt und der neue Dienstleister neue Mitarbeiter einstellt. Wir schlagen vor, dass die Kommission in einem Erläuterungspapier zur Richtlinie klarstellend vorgibt, dass ein Dienstleisterwechsel nach Ablauf der Lizenz als Betriebsübergang anzusehen ist. Die Produktionsbedingungen am Standort „Flughafen“, müssen im Interesse der Airlines über den Konzessionswechsel hinaus gesichert werden. Das hat seinen Grund darin, dass der Flughafen keine Kapazitäten mehr vorhält um den Wegfall des Dienstleisters kompensieren zu können. Vorteil aus Sicht der Arbeitnehmer ist, dass das Ende der Lizenz des Arbeitgebers nicht den Verlust des Arbeitsplatzes bedeutet.



(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Die Flughäfen wünschen eine angemessene Bezahlung der Mitarbeiter im BVD. Allerdings handelt es sich hier um Fragen, welche auf Ebene der Mitgliedsstaaten geregelt werden müssen. Aus unserer Sicht kann die EU zur Stabilisierung beitragen, indem sie keine weitere Marktöffnung vornimmt.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Das Problem stellt sich in der Praxis nicht. Die Flughäfen haben kein Problem bei der Kommunikation mit den Airlines, auch wenn diese nicht vor Ort sind. Hinweis: An jedem Flughafen gibt es für Probleme mit dem Gepäck lost and found-Schalter als Anlaufstelle für die Fluggäste.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Bisher ist keine Häufung von „safety/security“ Problemen in größerem Ausmaß bekannt. Die fortschreitende Liberalisierung könnte jedoch in Zukunft zu Problemen führen. Hintergrund ist zum einen die zu beobachtende Verschlechterung der Personalqualifizierung und zum anderen der steigende administrative Aufwand zur Überprüfung der Personen, welche Zugänge zu den Sicherheitsbereichen erhalten müssen. Hinzu kommt der erhebliche Kostendruck im Markt, welcher zu einer schlechteren Bezahlung des Personals führt und damit auch die Motivation beeinträchtigt.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Aus Sicht der mitteldeutschen Flughäfen sollten die Lizenzen immer wieder neu vergeben werden und keine Erbhöfe zementiert werden - 7 Jahre sind ein dafür angemessener Zeitraum.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Die Praxis zeigt, dass die berechtigten Anliegen des Nutzerausschusses bei der Auswahlentscheidung berücksichtigt werden. Die auswählende Stelle (Behörde oder Flughafen) muss jedoch auch die Interessen des Gesamtsystems Flughafen berücksichtigen und braucht dafür Entscheidungsspielraum ohne Bindung an die Vorgabe einer Interessengruppe.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Ist in der Praxis nicht relevant - es gibt praktisch keine Interessenten für Selbstabfertigung und Airlines nutzen nicht einmal die vorhandenen Lizenzen. Die Frage ist außerdem in Deutschland in der Umsetzungsvorschrift bereits geregelt (Anlage 2 zu § 7 BADV)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Genauere und detaillierte Vorgaben für den Zugang zu / die Nutzung von Flughafeninfrastruktur in der BVD-RL sind nicht erforderlich. Den Rahmen für diese Entgelte gibt auch die EntgeltRL vor.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Eine zusätzliche Behörde für BVD-Fragen wäre ein unvertretbarer Verwaltungsaufwand, der lediglich die Kosten für alle am System Beteiligten erhöhen würde.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Weitere Regelungen bringen keinen praktischen Nutzen. Methoden / Regeln geben unabhängige Wirtschaftsprüfer vor, die die effektive Trennung bestätigen müssen.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Auch hier gilt, dass weitere Regelungen keinen praktischen Nutzen bringen: Die Prüfung erfolgt durch unabhängige Wirtschaftsprüfer, die strengen Berufsregelungen verpflichtet sind. Eine generelle Veröffentlichungspflicht zum Prüfungsergebnis halten wir für überzogen. Interessiert daran sind die Nutzer. Diese werden über den Nutzerausschuss informiert.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Der Vorschlag widerspricht Europarecht. Er wurde schon vielfach diskutiert und deshalb verworfen: Das BVD-Geschäft war und ist Kerngeschäft der Flughäfen. Eine Pflicht zur Teilnahme am Ausschreibungsverfahren käme in der Konsequenz einer Enteignung gleich. Der Status der Flughäfen als ein „gesetzter“ BVD-Dienstleister muss auch in Zukunft Bestand haben. Es ist nicht richtig, dass der Flughafen gegenüber Dritten Dienstleistern einen Wettbewerbsvorteil hat. Umgekehrt haben unabhängige Dienstleister, die europaweit oder weltweit tätig sind, den Vorteil, dass sie „Multistationcontracts“ abschließen können, während der Flughafen auf seinen Standort beschränkt ist. Weiter haben Dienstleister die an verschiedenen Standorten tätig sind die Möglichkeit Quersubventionen zwischen diesen Standorten vorzunehmen. Auch dies ist ein Vorzug, den der örtlich tätige Flughafen nicht hat.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Vernünftige Lösungen müssen im Einzelfall entwickelt werden. Deshalb ist eine gesetzliche und schematische Lösung abzulehnen. So ergeben sich z.B. neue Konstellationen hinsichtlich des Platzbedarfs bei einer Änderung des Verkehrsaufkommens oder einem Wechsel des Kunden. Dienstleister und Flughafen müssen hier im Einzelfall eine Lösung finden. Dies fordert auch das Wettbewerbsrecht. Eine Spezialregelung in den BVD-Vorschriften ist überflüssig.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Beschränkter Platz an allen Flughäfen ist ein wichtiges Thema. Dies muss sich die Kommission insbesondere bei Überlegungen für eine weitere Liberalisierung vor Augen halten. Die Praxis zeigt, dass Platzknappheit im Ergebnis das Gesamtsystem deutlich teurer macht.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the

advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Eine europaweite Harmonisierung des Marktes erscheint überambitioniert und unnötig - örtliche Besonderheiten würden keine Berücksichtigung mehr finden. Mehr wäre erreicht, wenn Brüssel europaweit auf eine ordnungsgemäße Umsetzung der bestehenden RL hinwirkt. Hier darf nicht der zweite vor dem ersten Schritt gesetzt werden.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Die Flughäfen stehen einer vollständigen Marktöffnung kritisch gegenüber. Vorteil ist das Entstehen von Qualitäts- und Produktivitätsdruck. Nachteil ist ein Effizienzverlust: Das Abfertigungsgeschäft hat aufgrund der typischen Flugpläne mehrere Arbeitsspitzen. Die Aufteilung des Abfertigungsgeschäftes auf beliebig viele Dienstleister vertieft die Täler zwischen diesen Spitzen. Außerdem werden sich die Kosten für das Gesamtsystem mittel- bis langfristig steigern, z.B. weil Platzprobleme Ausbaumaßnahmen notwendig machen. Darüber hinaus werden die Abfertigungsprozesse durch weitere Dienstleister zunehmend komplexer, da sämtliche Aktivitäten verzahnt ineinandergreifen müssen. Nach unserer Einschätzung kann dies dazu führen, dass durch den zunehmenden Wettbewerb die Verdienstmöglichkeiten für keinen Dienstleister mehr ausreichend sind. Qualitätsverluste sind dann absehbar. Schließlich ist zu bedenken, dass die mit einer vollständigen Marktöffnung verbundene Umbruchsituation im BVD den sozialen Frieden gefährden könnte.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Der vorgeschlagene Mechanismus ist nicht hilfreich. Es soll bei dem vorgegebenen Schwellenwerten bleiben, und zwar sowohl bei einer Überschreitung des Schwellenwertes (dann Zulassung eines Dienstleister) als auch beim Unterschreiten (Erlöschen der Lizenz des Dienstleisters). Allerdings gelten auch für Flughäfen die erstmals einen Schwellenwert überschreiten, die oben angesprochenen Punkte (Platzmangel-Verkehrsdichte-Kostensteigerung-sozialer Frieden)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Für die großen Flughäfen sehen wir keinen Bedarf für eine Erhöhung der Anzahl der Dienstleister. Wir geben zu bedenken, dass durch eine Zunahme des Verkehrs an größeren und großen Flughäfen in aller Regel der Platz auf der Luftseite sehr knapp wird. Es gelten dann die oben angeführten Argumente. Siehe Frage 19.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Die geltenden Regeln reichen aus, siehe Art. 14 der Richtlinie.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Die geltenden Regeln reichen aus, siehe Art. 14 der Richtlinie.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Wir sehen keinen Änderungsbedarf für die Definition der Selbstabfertigung. Es muss dabei bleiben, dass „Subcontracting“ nicht zulässig ist. Es darf keine Änderung der Definition des Dritten im Sinne

von Art. 2 f) der Richtlinie vorgenommen werden. Darüber hinaus darf es auch keine Ausweitung auf „wet lease“ und „dry lease“ geben. Denn mit allen Änderungen der Definition der Selbstabfertigung wird der Marktanteil, der dem Wettbewerb offen steht, verkleinert. In Deutschland hat das Thema keine Relevanz in der Praxis, da keine Airline Selbstabfertigung macht.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Bei spezieller Fracht (z.B. Särge, Kunstwerke) wird im Einzelfall am Flughafen eine pragmatische Lösung gefunden. In der Regel kann der Bestattungsunternehmer unter Aufsicht des zugelassenen Dienstleisters an das Flugzeug heranfahren. Bei dem Tätigwerden von Integrators ist zu differenzieren: - solche, die selbst fliegen, sind Nutzer im Sinn der BVD-RL und können deshalb grundsätzlich im Rahmen der Selbstabfertigung tätig werden (z.B. DHL in Leipzig/Halle). - andere werden sich eines zugelassenen Fracht-Dienstleisters bedienen müssen. Anderenfalls hätten wir eine nicht mehr überschaubare Situation auf dem Vorfeld: Alle Speditionen und Luftfrachtabfertiger, die eilige Tür-zu-Tür-Zustellungen von Dokumenten und Paketen anbieten, wären dann auf dem Vorfeld tätig.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Aus unserer Sicht stellt dies kein Problem dar.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Die Definition der Zentralen Infrastruktureinrichtungen und ihrer Benutzung ist so weit, dass dem praktischen Bedarf Rechnung getragen werden kann, zumal die Verhältnisse an den Flughäfen nicht einheitlich sind. Wir sehen hier keinen Änderungsbedarf.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Wir sehen hier zwei Themen: 1. Wird ein Flughafen-BVD verkauft, soll die Lizenz für sieben Jahre ab Verkaufsdatum gelten. Die Kommission könnte diese Frage in einem Erläuterungspapier zur Richtlinie klarstellen. 2. Die Kommission muss darauf achten, dass BVD-Dienste künftig wirtschaftlich erfolgreich betrieben werden können. Es darf nicht geschehen, dass alle anderen Interessen der Marktmacht der Airlines untergeordnet werden müssen.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Keine Hinweise

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Letiště Praha, a.s.**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

employee of an airport which is also licensed handling services provider

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Subcontracting of groundhandling activities is very important and allows keeping reasonable ground handling fees. On other side it will be useful to implement basic rules to keep the quality and safety of ground handling processes, as limitation to one level of subcontracting and licensing of particular activities if they are subcontracted (aircraft cleaning, cargo and mail services, water and cabin services, de/anti icing of aircrafts). Current situation may lead to low quality level of certain service providers.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

To our opinion it is not possible to implement specific rules for quality measurement and key performance indicators. The ground handling process includes services for general aviation (private planes), low cost and legacy airlines with different requirements for ground handling scope and performance. We believe it will be useful to have general requirements for: - ground handling company license - ground handling company training manual - individual staff qualification for particular activities (DGR, DCS etc.)

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

We cannot see any benefit of specific measures regarding transfer of staff in groundhandling sector. It will even complicate such transfer and may result in decrease of transfers of staff and therefore lead to losses of highly qualified jobs of ground handling staff.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Protection of workers rights depends on national system of each Member State. It is not possible to regulate working conditions only in one specific area of ground handling. It will have influence on current law of Member State, current labour contracts etc. and may result in increase of ground handling fees for airlines, financial losses and collapse of ground handling companies and loss of jobs of current ground handling employees.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Airport users are general aviation companies, low cost and legacy airlines. Even legacy airlines are not always present or legally represented at particular airport without any negative impact of ground handling process. Obligation to be legally represented will result in increase of ground handling cost and fees and therefore will result in increase of air tariffs, which is against interest of public. Ground handling company cannot be legally accountable for the airline - it must be the airline itself. We believe that there is no need special regulation for representation of airlines

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

We can see a safety and security problem at airport's ramp area due to non-regulated number of service providers. We believe it will be useful if authorities will be obliged to discuss with airport operator limitation of number of operators at airside area - ground handling, aircraft cleaning, catering, fuelling. The current „unlimited“ situation results in increased number of accidents, increased financial costs for airports and airlines and has negative influence on safety and security. Finally there is a problem of insufficient and low trained staff.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Current maximum length of contract of 7 years in tender procedure is too short and we recommend the extension to 10 years. The problem is not only the investment in personnel and equipment, but also all in process of obtaining the licenses and approvals. Regulation cannot lead to discrimination of one part of ground handling companies (buying the equipment) just with explanation that it is possible to rent it.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

At certain airports we can see complete dominance by the main airline, which is sometimes also a service provider. Therefore there exists a conflict of interest in their position and Committee recommendation. Therefore we believe that it is useful to keep a consultative role of the Committee. On other side we agree that the Committee will receive an official statement and explanation in case that their recommendation is not followed.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

First of all, it is important to keep current definition of self handling (with possible exception for 100% owned subsidiaries only. In case of limitation of number of self handling providers for airside services we suggest to implement a mechanism to select them based for example on their share on airport total number of movements. It will be necessary to limit validity of such license for shorter period, for example of 3 years (due to fast development in aviation industry).

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

We believe that it is not necessary to regulate this topic. On other side it is not acceptable to prohibit airport operator to introduce such a fee. It will allow us to prepare more precise airport cost structure with positive impact on airport charges.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and

charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Such monitoring will add a lot of administrative work to both authorities and airports and therefore will increase total costs of airport operation. Airport is also dependant on their suppliers and their prices - it is a chain in which it is not possible to regulate just one member - and impossible to regulate all of them.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

At current time separation of account is applied only by Airports providing also ground handling services. Such request is not observe by majority of airlines (self handling providers) offering also third part handling. There is also a question of possibility of cross-subsidies within different branches of global ground handling providers. Under such situation it is very difficult to have fair competition between ground handling providers.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

As per our opinion it will be useful to have authority issuing ground handling license as an independent examiner of submitted account of ground handling companies involved without compulsory obligation of regular and public publication. Such publication may have negative influence on ground handling company resulting for example in loss of handling contracts with losses of jobs for staff.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

We strongly recommend to keep the current model. As per our opinion the airport groundhandlers are bringing real competition into the ground handling market and therefore they serve in public interest allowing to reduce the costs for airlines. From this point of view we can not see a difference between Airport or airport operator and their interest and ability to provide ground handling services.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Limited number of ground handling operators will help to solve the problem. Ground handling equipment requires large parking areas, increase the volume of traffic on airside area, and increase pollution. Building new premises is very costly and make no sense in case that the capacity of current ground handling companies is not fully used. Any restriction of current service providers will harm the competition. In such case a ground handling provider will not be able to fulfil the obligations given by ground handling agreements with airline. There is still a space for new entrants to find airports with available space and not to concentrate on busiest airports. Because of licensing of ground handling activities and tender process we recommend to keep current situation unchanged.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

In case of limited apron space availability we recommend "first arrived, first served" option. This will warrant return of investment of current ground handlers with no impact on personnel (reduction of staff). Auctioning of airport premises will have influence on the cost of ground

handling and will result in an increase of ground handling rates for airlines. Auctioning of airport premises will limit number of ground handlers and will result in monopoly of a few financially strong companies, i.e. global players. Due to different conditions and market situation of airports it is practically impossible to define minimum criteria to be met by a new entrant to obtain premises. It will always depend on local conditions.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

We recommend to keep current situation because of the complexity of airside ground handling services a different conditions at each airport. Due to this fact we cannot see possibility of harmonizing this area without negative impact on safety and security.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Current situation is not limiting the competition. It makes it only more difficult for a newcomers to enter already developed markets. But there is always a space at a lot of fast developing airports to accommodate a newcomers. Full opening of the market will have negative impact on safety and security and will be against public interest.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

The proposed mechanism (the airport has to fall above the threshold for 3 consecutive years) is acceptable. It is not possible to change rules for particular airport every year.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Due to the different situation at airports we believe additional change of limitation (increasing the number of minimum ground handling companies for different groups of airports) will not bring any benefit to airlines or to the public. Such change will have negative influence on safety and security, will increase airside traffic with negative environmental impact.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

As the approvals are not compulsory it will be difficult from legal side to implement obligatory criteria to obtain an approval. We believe that it will be in public interest to make approval procedure compulsory including criteria for training, insurance etc.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Such recommendation to change and implement new criteria will on one side probably increase the cost of some ground handlers, on other side will help to increase quality of ground handling process and therefore will be in public interest.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

It is important to keep the current definition of selfhandling (possible exception only for 100% owned subsidiaries of airlines) regardless the lease type, code-sharing etc.



(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

This is very sensitive issue due to safety and security requirements. Freight handling is also part of SGHA between airline and ground handling company or between an airline and cargo handling company. There is also a lot of differences at each airport making it impossible to regulate it. Such regulation may have a negative impact on volume of airfreight resulting in loss of jobs.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

We believe it is necessary to take into consideration IATA SGHA / section 1 Representation, administration and supervision. Different description and request just for European Union will bring technical and legal complications between airlines and ground handling companies.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Centralised Infrastructures are helping to improve on time performance. Together with CDM concept (Collaborative Decision Making) is the most important tool how to improve on time performance, reduce delays, decrease pollution and therefore it is in public interest to continue with it. The benefits of centralised infrastructures are much higher than the hypothetical negative influence on contestable market. It may be possible to prepare a sample list of airside ground handling included in centralised infrastructures. However such a sample list cannot be closed due to local differences and possible development of new technologies and GHE. We can see a benefit to include into centralised infrastructure for example de-icing and anti-icing of aircrafts, passenger steps, passenger transportation, GPU, ASU, water service, Cabin service etc. It will also allow reducing costs of such services with cost reduction for airlines and passengers. Therefore such centralised infrastructure is in public interest. Airport must have the leading position in such centralisation of infrastructure even in case that is not directly the managing body of such centralised infrastructures. It is the only solution how to use all advantages of such centralisation including CDM concept.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

To our opinion it is very important to keep the exemption procedure, especially for open services when capacity problem at particular airport may occur. We believe it will be also of great benefit to include Airport operator into the process of licensing and make it obligatory for authorities to request a position of Airport operator to a request of license for airside activity. Such consultative role is given to Airport User Committee but not directly to the airport operator. It must be also obligatory for authorities to give an official statement and explanation to the airport operator in case that the recommendation is not followed.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

It will be very difficult to obtain such a data without direct involvement of local authorities and support from industry associations (as Airport Council International). Changes in profitability of ground handling providers are connected with their Ground handling agreements with airlines and possibility to implement changes during the validity of contracts. Some proposed changes might

lead to loss of contract for particular ground handling company with negative impact on staff (reduction of jobs). Staff wages are different in each Member State and it is not possible to compare them, as well as contract types. We believe that in Member State all staff contracts are fair and in accordance with law. Staff qualification is an important topic with possibility of future deeper regulation. On other side airlines are regularly auditing their ground handling suppliers and proper qualification and training of staff is one from most important topics during the auditing process.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**'Polish Airports' State Enterprise - Warsaw Fryderyk Chopin Airport**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Przedsiębiorstwo Państwowe „Porty Lotnicze” (PPL) zarządza Lotniskiem Chopina w Warszawie, które obsługuje największą liczbę pasażerów w Polsce (udział lotniska w ruchu pasażerskim obsłużonym w Polsce wyniósł 43,3% w 2009 r.). Jako Zarządzający tym lotniskiem jesteśmy zainteresowani wzrostem konkurencyjności na rynku obsługi naziemnej, która niewątpliwie ma wpływ na ofertę naszego lotniska dla użytkowników portu lotniczego oraz koszty prowadzonej przez nich działalności na lotnisku. Nasze przedsiębiorstwo nie prowadzi działalności w zakresie obsługi naziemnej, udostępnia natomiast infrastrukturę lotniska agentom obsługi naziemnej oraz innym użytkownikom portu lotniczego w celu prowadzenia przez nich działalności w zakresie obsługi naziemnej. Działalność w zakresie obsługi naziemnej na Lotnisku Chopina w Warszawie wykonuje m.in. WAS Sp. z o.o., która jest spółką zależną od PPL. Dotychczasowe nasze doświadczenie w stosowaniu prawa dotyczącego obsługi naziemnej na podstawie regulacji prawnych wydanych na podstawie Dyrektywy 96/67/EC (ustawa Prawo lotnicze z 3 lipca 2002 r., rozporządzenie Ministra Infrastruktury z dnia 21 czerwca 2005 r. w sprawie obsługi naziemnej w portach lotniczych, zastąpione nowym rozporządzeniem Ministra Infrastruktury z dnia 25 maja 2009 r.) wskazuje na potrzebę weryfikacji wybranych postanowień Dyrektywy, poprzez ich doprecyzowanie lub zmianę oraz uzupełnienie Dyrektywy o postanowienia dotyczące nowych kwestii, które nie zostały uregulowane w obowiązującym akcie prawnym.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Ponieważ Dyrektywa nie odnosi się do kwestii podwykonawstwa, a Państwa Członkowskie stosują różne zasady i praktyki w tym zakresie, uważamy za konieczne uregulowanie tej kwestii na poziomie ustawodawstwa europejskiego. Podwykonawstwo powinno być dozwolone na tych samych zasadach w odniesieniu do wszystkich kategorii usług obsługi naziemnej, wyspecyfikowanych w Załączniku do Dyrektywy („Wykaz usług obsługi naziemnej”), z wyłączeniem kategorii 1 usług obsługi naziemnej „Administracja naziemna i nadzór”. Postanowienia dotyczące podwykonawstwa powinny zawierać następujące zasady: 1/ podwykonawca musi spełniać te same kryteria co główny kontraktor (agent obsługi naziemnej), zatrudniający podwykonawcę (do podwykonawcy musi stosować się to samo zatwierdzenie, o którym mowa w Art. 14 Dyrektywy), 2/ podwykonawca musi uzyskać zatwierdzenie przed rozpoczęciem działalności w danym porcie lotniczym, aby zapewnić w ten sposób spełnienie przez niego i stosowanie się do przepisów normujących kwestię bezpieczeństwa operacji lotniczych (safety and security rules), 3/ podwykonawstwo powinno być ograniczone tylko do jednego poziomu (zakaz podwykonawstwa kaskadowego), 4/ w przypadku wprowadzenia ograniczenia liczby agentów obsługi naziemnej w danym porcie lotniczym, agent obsługi naziemnej biorący udział w konkursie, zgodnie z Art. 11 (1) Dyrektywy, powinien ujawnić zamiar zatrudnienia podwykonawcy oraz zobowiązać się, że podwykonawca uzyska stosowne zatwierdzenie.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Poziom jakości usług związanych z obsługą pasażerów i samolotów ma istotny wpływ na wizerunek portu lotniczego, jak również na zarządzanie nim. Port lotniczy powinien uzyskać uprawnienie do wyznaczenia i egzekwowania minimalnego standardu usług obsługi naziemnej, który powinien być uwzględniony w określeniu wymogów dotyczących obsługi naziemnej w umowach zawieranych

między przewoźnikiem lotniczym a agentem obsługi naziemnej, oraz respektowany przez użytkowników portu lotniczego wykonujących obsługę własną. Określenie minimalnego poziomu usług powinno być pozostawione w gestii zarządzającego portem lotniczym, a standard usług powinien wynikać z warunków lokalnych danego portu lotniczego. Zestaw kluczowych mierników jakości powinien być również ustalany na poziomie lokalnym. Wymóg spełnienia przez podmiot wyznaczonego przez dany port lotniczy minimalnego poziomu jakości usług powinien być uwzględniony na etapie zatwierdzania go jako agenta obsługi naziemnej, który będzie działał w tym porcie lotniczym. Wprowadzenie minimalnego standardu usług, w ramach którego zostałyby zdefiniowane m.in. zasady i warunki szkolenia pracowników, mierniki jakości, parametry jakości, zasady i warunki kontroli jakości, zobowiązanie do przestrzegania przepisów dotyczących ochrony środowiska naturalnego, bezpieczeństwa lotnictwa cywilnego, regulaminu użytkowania portu lotniczego, pozwoli zarządzającemu portem lotniczym bardziej efektywnie nim zarządzać, jak również stopniowo budować wizerunek portu lotniczego przyjaznego dla pasażerów i przewoźników lotniczych.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

PPL nie prowadzi działalności w zakresie obsługi naziemnej na lotnisku Chopina w Warszawie, w związku z tym nie będzie prezentować swojego stanowiska w tym zakresie. Uważa jednak, że kwestie zatrudnienia w obsłudze naziemnej mogą być uregulowane ogólnie, poprzez przywołanie Dyrektywy 2001/23/EC w preambule Dyrektywy 96/67/EC oraz odesłanie do wewnętrznych uregulowań prawnych dotyczących rynku pracy (np. kodeksu pracy) każdego z Państw Członkowskich.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Nasze stanowisko jak w pkt. 7 powyżej.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

W zasadzie użytkownicy portu lotniczego (przewoźnicy lotniczy) są obecni na terenie portu lotniczego. Jedynie przewoźnicy lotniczy, których skala działalności w danym porcie lotniczym nie uzasadnia posiadania własnego przedstawicielstwa i ponoszenia z tego tytułu dodatkowych kosztów, z reguły są reprezentowani przez agentów obsługi naziemnej (np. w ramach kategorii 1 usług obsługi naziemnej). Dyrektywa nie powinna nakładać na użytkowników portu lotniczego obowiązku fizycznej obecności w porcie lotniczym, w którym prowadzą swoje operacje lotnicze. Kwestia posiadania własnego przedstawicielstwa powinna być pozostawiona do decyzji danego przewoźnika lotniczego. Skala operacji lotniczych w danym porcie lotniczym i w relacji do niej koszty utrzymania własnego przedstawicielstwa powinny stanowić podstawę decyzji przewoźnika lotniczego o jego utworzeniu. Dyrektywa powinna jedynie postawić wymóg, aby użytkownik portu lotniczego, którego skala działalności nie uzasadnia ponoszenia przez niego dodatkowych kosztów związanych z prowadzeniem własnego przedstawicielstwa w porcie lotniczym, był reprezentowany przez agenta obsługi naziemnej (w ramach kategorii 1 usług obsługi naziemnej), oraz aby jego pasażerowie byli skutecznie informowani o tej reprezentacji.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

PPL, które stosuje się do regulacji prawnych wydanych na podstawie Dyrektywy (ustawy Prawo lotnicze z 3 lipca 2002 r., rozporządzenia Ministra Infrastruktury z dnia 21 czerwca 2005 r. w sprawie obsługi naziemnej w portach lotniczych, zastąpionego przez nowe rozporządzenie Ministra Infrastruktury z dnia 25 maja 2009 r.) nie zidentyfikowało problemu związanego z przepisami

Dyrektywy, których wykonywanie wpływałoby na bezpieczeństwo (safety and security) operacji lotniczych.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Naszym zdaniem, wydłużenie okresu, na jaki wybierane są podmioty świadczące usługi obsługi naziemnej, o którym mowa w Art. 11(1)(d) Dyrektywy, będzie sprzyjało zapewnieniu większej stabilności na rynku obsługi naziemnej. Jednakże, z drugiej strony, im dłuższy będzie ten okres, tym bardziej będzie ulegać wzmocnieniu pozycja oligopolistyczna agentów obsługi naziemnej, którzy uzyskali licencję na działalność w zakresie obsługi naziemnej w danym porcie lotniczym, i tym bardziej może sprzyjać tendencji podnoszenia przez agentów obsługi naziemnej stawek opłat za usługi obsługi naziemnej. Wydłużenie tego okresu byłoby więc sprzeczne z celem Dyrektywy, tj. zapewnieniem wolnego dostępu do rynku obsługi naziemnej. Im będzie większa liczba agentów obsługi naziemnej w danym porcie lotniczym, tym pozycja rynkowa każdego z nich będzie słabsza, tym niższe będą ceny usług obsługi naziemnej, i tym samym rynek będzie bardziej konkurencyjny. Dlatego uważamy, biorąc pod uwagę stosowane na rynku obsługi naziemnej umowy o pracę na czas określony, zwyczaj leasingowania pojazdów oraz urządzeń do obsługi naziemnej, że okres maksymalny (7 lat), na jaki jest udzielana licencja, jest okresem optymalnym.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Zgodnie z Art. 11(1)(c) Dyrektywy, Komitet Użytkowników Portu Lotniczego jest konsultowany w sprawie wyboru podmiotów świadczących usługi obsługi naziemnej. Komitet Użytkowników Portu Lotniczego tworzą przewoźnicy lotniczy, wśród których decydującą rolę zwyczajowo odgrywiają przewoźnicy o dominującej pozycji w danym porcie lotniczym. Dzięki swojej pozycji przewoźnicy ci mogą wpływać na ostateczną decyzję Komitetu Użytkowników Portu Lotniczego w taki sposób, aby zapewnić sobie ochronę realizacji własnych celów strategicznych oraz pozycji rynkowej w danym porcie lotniczym. Trudno zatem będzie znaleźć właściwą formułę, która by jednocześnie zapewniała większe znaczenie głosu Komitetu Użytkowników Portu Lotniczego w procesie selekcji agentów obsługi naziemnej oraz niwelowała ryzyko konfliktu interesów pomiędzy dominującymi przewoźnikami lotniczymi a wybieranymi agentami obsługi naziemnej. A zatem, naszym zdaniem, nie należy zmieniać uprawnień Komitetu Użytkowników Portu Lotniczego w kierunku zwiększenia znaczenia jego opinii w podejmowaniu decyzji o wyborze podmiotów świadczących usługi obsługi naziemnej, a raczej wskazać w Dyrektywie, na konieczność przyjęcia przez Komitet takich wewnętrznych reguł działania, w tym podejmowania decyzji, aby przewoźnicy lotniczy, którzy wykonują obsługę naziemną w danym porcie lotniczym, nie mogli decydować o wyborze swoich konkurentów. Ponadto, Komitet Użytkowników Portu Lotniczego nie działa jako osoba prawna, dlatego też jego decyzje nie mogłyby być zaskarżane przed sądem. Zgodnie z Art. 21 Dyrektywy, takie uprawnienia są przyznane m.in. zarządzającemu portem lotniczym.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Uważamy za wskazane uregulowanie w Dyrektywie kwestii kryteriów wyboru użytkowników portu lotniczego wykonujących obsługę własną w celu zapewnienia równego traktowania podmiotów występujących na rynku obsługi naziemnej. W przypadku ograniczenia liczby podmiotów wykonujących obsługę naziemną, ta sama reguła dotycząca selekcji w drodze konkursu w odniesieniu do agentów obsługi naziemnej powinna być zastosowana do użytkowników portu lotniczego wykonujących obsługę własną. Naszym zdaniem, wydaje się za zasadne rozważenie, w uzupełnieniu kryteriów, o których mowa w Art. 11 (1)(a) Dyrektywy, m.in. takich kryteriów jak: udział w rynku, spełnienie wymogów minimalnego poziomu jakości usług obsługi naziemnej, okres działalności w danym porcie lotniczym, stosowane technologie obsługi, liczba i parametry techniczne używanych pojazdów i urządzeń do obsługi oraz ich wpływ na środowisko naturalne,

zdolność płatnicza podmiotu oraz terminowość regulowania zobowiązań płatniczych wobec danego portu lotniczego.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Ponieważ postanowienie Art. 16 (3) Dyrektywy jest sformułowane w sposób bardzo ogólny („opłaty za dostęp do urządzeń portowych ustalane są na podstawie właściwych, obiektywnych, przejrzystych i niedyskryminujących kryteriów”), co w efekcie może powodować jego dowolną interpretację w poszczególnych Państwach Członkowskich, uważamy za zasadne jego doprecyzowanie. Wspomniane postanowienie powinno uzupełnić się o zapis mówiący o tym, że opłata za dostęp do urządzeń portowych powinna opierać się na kosztach ich udostępnienia, z wyłączeniem tych kosztów, które zostały już uwzględnione do ustalenia bazy kosztowej opłat pobieranych z innych tytułów niż za dostęp do urządzeń portowych (np. opłata za przepustki, opłata za lądowanie). Zasada powyższa powinna być również uwzględniona w pobieraniu opłat za korzystanie ze scentralizowanej infrastruktury (Art. 8 Dyrektywy). Ponieważ postęp technologiczny stawia przed portami lotniczymi coraz większe wyzwania inwestycyjne, Zarządzający portem lotniczym musi mieć możliwość rekompensaty w postaci opłat poniesionych nakładów inwestycyjnych, kosztów utrzymania i odtworzenia infrastruktury.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Według naszej opinii dalsze regulacje w zakresie dostępu do rynku obsługi naziemnej wpłyną niekorzystnie na rynek obsługi naziemnej i podmioty świadczące usługi na tym rynku. Uważamy, że idea powołania niezależnego organu w celu monitorowania opłat za dostęp do urządzeń portowych i scentralizowanej infrastruktury nie jest właściwa. Będzie ona sprzeczna z ideą wolnego rynku oraz procesem deregulacji rynku usług lotniczych. Najlepszym weryfikatorem opłat za dostęp do urządzeń portowych i za korzystanie ze scentralizowanej infrastruktury będzie rynek, tj. podmioty działające w danym porcie lotniczym (przewoźnicy lotniczy oraz agenci obsługi naziemnej). Opłaty zbyt wysokie będą skutkować wzrostem kosztów działalności tych podmiotów oraz w dalszej perspektywie - podejmowaniem przez nich decyzji o ograniczeniu swojej działalności w danym porcie lotniczym. Dlatego zasadne jest, aby zarządzający portem lotniczym miał zapewnioną minimalną swobodę prowadzenia elastycznej polityki cenowej w zależności od aktualnej sytuacji na rynku usług lotniczych. Ponadto, w interesie zarządzającego portem lotniczym leży ustalanie tych opłat na takim poziomie, aby oferta portu korzystania z infrastruktury była postrzegana jako konkurencyjna w stosunku do innych portów. W tym kontekście chcielibyśmy zwrócić uwagę, że skomplikowane i zbiurokratyzowane procedury związane z zatwierdzaniem przez Prezesa Urzędu Lotnictwa Cywilnego, jakie mają miejsce w przypadku opłat lotniskowych, uniemożliwiają skuteczne reagowanie na aktualną sytuację na rynku wynikającą np. ze zmiany poziomu ruchu poprzez stosowanie upustów lub promocji w okresie wdrażania nowych usług. Ponadto, tryb zmian regulowanych opłat jest czasochłonny i kosztowny z punktu widzenia zarządzającego portem lotniczym.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

PPL nie prowadzi działalności w zakresie obsługi naziemnej na Lotnisku Chopina w Warszawie, w związku z tym nie będzie prezentować swojego stanowiska w tym zakresie.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

PPL nie prowadzi działalności w zakresie obsługi naziemnej na Lotnisku Chopina w Warszawie, w związku z tym nie będzie prezentować swojego stanowiska w tym zakresie.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Naszym zdaniem, kwestia nałożenia na port lotniczy oraz/lub na podmioty przez niego kontrolowane obowiązku udziału w procedurze konkursowej na wybór podmiotów świadczących obsługę naziemną, w przypadku wprowadzania ograniczenia liczby tych podmiotów w danym porcie lotniczym, wymaga rozważnego podejścia. Uważamy, że przyjęta w Dyrektywie reguła (Art. 11(2) Dyrektywy) powinna być zrewidowana w świetle zachodzących aktualnie procesów konsolidacyjnych oraz prywatyzacyjnych na rynku lotniczym, w tym na rynku obsługi naziemnej. Zrewidowana regulacja powinna jednak dopuszczać możliwość zwolnienia danego portu lotniczego oraz/lub podmiotów od niego zależnych z obowiązku udziału w konkursie, jeżeli procesy konsolidacyjne i/lub prywatyzacyjne jego nie dotyczą. W celu ustalenia, czy do danego portu lotniczego ma zastosowanie wspomniane zwolnienie, zrewidowany Art. 11(2) Dyrektywy powinien wskazywać przesłanki (kryteria) takiego zwolnienia z obowiązku udziału w konkursie.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

W warunkach pełnego otwarcia rynku kwestia zarządzania ograniczoną powierzchnią w porcie lotniczym (taką jak np. powierzchnie/budynki do przechowywania pojazdów i urządzeń do obsługi naziemnej, pomieszczenia biurowe i socjalne dla pracowników agenta obsługi naziemnej) stanowi poważne wyzwanie dla zarządzającego portem lotniczym, którego obowiązkiem jest zapewnienie warunków niezbędnych dla zachowania uczciwej konkurencji. Ponieważ zapotrzebowanie na obsługę naziemną, określane przez charakterystyczne dla danego portu lotniczego czynniki takie jak np. liczba operacji lotniczych, wolumen pasażerów lub tonaż ładunków, udział w rynku poszczególnych segmentów ruchu lotniczego (przewoźnicy tradycyjnie, niskokosztowi, czarterowi, cargo) jest zaspakajane przez optymalną dla danego portu lotniczego liczbę podmiotów świadczących obsługę naziemną (rynek obsługi naziemnej jest w większości portów lotniczych rynkiem nasyconym, na którym działa optymalna dla tego rynku liczba podmiotów), poważnym problemem dla zarządzającego portem lotniczym jest zapewnienie odpowiednich warunków do prowadzenia działalności w zakresie obsługi naziemnej kolejnym podmiotom, które uzyskały zgodę władz państwowych. Naszym zdaniem, aby nie narazić zarządzającego portem lotniczym na zarzut nierespektowania zasady równego traktowania podmiotów, a jednocześnie umożliwić mu swobodę decyzji w zależności od warunków operacyjnych portu lotniczego, Dyrektywa powinna zawierać listę opcjonalnych kryteriów wyboru podmiotów takich jak np.: 1/ licytowanie pomieszczeń, przestrzeni na lotnisku, 2/ zasada pierwszeństwa, 3/ minimalne wymogi, które powinien spełnić nowy podmiot (liczba sprzętu i personelu, obsługiwany segment rynku lotniczego, zakładany udział w rynku obsługi naziemnej), oraz rekomendować w jakich sytuacjach powinny być stosowane.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Uwzględnienie w Dyrektywie rekomendowanych opcji kryteriów wyboru podmiotów oraz zastrzeżenie, że wybór tych podmiotów powinien nastąpić według właściwych, obiektywnych, przejrzystych i niedyskryminujących reguł, powinno zapewnić zachowanie zasady równego dostępu do rynku obsługi naziemnej w ramach określonych warunków operacyjnych danego portu lotniczego.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Harmonizacja przepisów prawnych odnoszących się do rynku obsługi naziemnej jest właściwym działaniem w celu usunięcia różnic w przepisach prawnych i administracyjnych poszczególnych Państw Członkowskich. Powinna również sprzyjać niwelowaniu różnic interpretacyjnych tych samych

przepisów w różnych porządkach prawnych. Z uwagi na dość krótki okres stosowania regulacji prawnych bazujących na Dyrektywie w Nowych Państwach Członkowskich oraz dopiero kształtujący się/dojrzewający rynek obsługi naziemnej w tych państwach uważamy za niewskazaną zbyt daleko idącą harmonizację prawa w ramach najbliższej rewizji Dyrektywy. Naszym zdaniem przedmiotem harmonizacji powinno być przede wszystkim doprecyzowanie przepisów dotyczących takich kwestii jak podwykonawstwo, zatwierdzanie podmiotów prowadzących działalność w zakresie obsługi naziemnej, w tym obsługi własnej, określenie precyzyjnych wskazówek co do selekcji w procedurze konkursowej wykonujących obsługę naziemną podmiotów (w tym podmiotów wykonujących obsługę własną) w przypadku ograniczenia ich liczby, wprowadzenie jednolitych zasad co do wysokości ubezpieczenia i zakresu ryzyk objętych ubezpieczeniem.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Pełne otwarcie rynku (powyżej określonego w Dyrektywie progu wolumenu pasażerów lub tonażu ładunków) pozwoliłoby osiągnąć główne cele Dyrektywy (zachowanie skutecznej konkurencji, swoboda wyboru oraz obniżka kosztów operacyjnych przewoźników). Jednak swobodny dostęp do rynku musi być wprowadzany stopniowo i dostosowany do wymogów operacyjnych portów lotniczych oraz ich uwarunkowań infrastrukturalnych oraz zdolności inwestycyjnych.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Uważamy, że proponowany mechanizm, tj. oscylowanie wolumenu pasażerów lub tonażu ładunków przez kilka kolejnych lat (np. 3 lata) wokół wyznaczonego progu jest właściwy, aby można było zastosować do danego portu lotniczego Dyrektywę. Należy jednak uwzględnić fakt, że rynek lotniczy nie jest rynkiem stabilnym, o trwałym trendzie wzrostowym. Podlega on częstym, średnio co kilka lat załamaniom koniunkturalnym. Dlatego może bardziej właściwe byłoby uzupełnienie proponowanego mechanizmu o zasadę powtarzalności w kolejnych latach nadwyżki (np. 10-15%) wolumenu pasażerów lub tonażu ładunków w stosunku do ustalonego progu.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Wprowadzenie dodatkowych progów dla wolumenu pasażerów lub tonażu ładunków dla portów o dużym wolumenie pasażerów lub tonażu ładunków oraz zwiększenia w tych portach minimalnej liczby agentów obsługi naziemnej w przypadku ograniczenia liczby podmiotów świadczących usługi obsługi naziemnej w strefie airside lotniska, może wydawać się tylko pozornie rozwiązaniem pożądanym. Zwiększenie minimalnej liczby podmiotów w strefie airside lotniska może prowadzić do problemów z podziałem dostępnej powierzchni operacyjnej w tej strefie, obniżeniem operacyjnej efektywności oraz obniżenia bezpieczeństwa operacji lotniczych (safety and security). Wprowadzenie zatem w portach lotniczych o podwyższonym progu dla wolumenu pasażerów lub tonażu ładunków obligatoryjnego ograniczenia liczby podmiotów np. do 4 podmiotów, w warunkach załamania się koniunktury na rynku lotniczym, może okazać się dla tych portów ryzykowne. Dlatego wydaje nam się, że w obowiązującej Dyrektywie znalazła się dość elastyczna regulacja (Art. 6 (2) Dyrektywy), w ramach której Państwo Członkowskie może zdecydować o ograniczeniu liczby podmiotów dla kategorii usług obsługi naziemnej 3-5 i 7 w zależności od specyficznych warunków operacyjnych danego portu lotniczego. Kwestią najważniejszą i zasadniczą jest, aby zapewnić przewoźnikom lotniczym wybór wśród agentów obsługi naziemnej, i aby przynajmniej jeden z agentów obsługi naziemnej był niezależny od zarządzającego portem lotniczym lub dominującego użytkownika portu lotniczego (Art. 6(3) Dyrektywy).

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Z uwagi na różne podejście w Państwach Członkowskich w tym zakresie, uważamy za zasadne doprecyzowanie Art. 14 Dyrektywy. Dyrektywa powinna nakładać na każdy podmiot zamierzający



działać jako agent obsługi naziemnej obowiązek uzyskania zgody władz państwowych niezależnych od organu zarządzającego portu lotniczego (np. Urzędu Lotnictwa Cywilnego). W znowelizowanym Art. 14 powinna być przyjęta zasada, że zatwierdzenie dotyczy wybranych kategorii usług obsługi naziemnej, które agent obsługi naziemnej zamierza świadczyć oraz portu lotniczego, w którym zamierza prowadzić swoją działalność w zakresie obsługi naziemnej. Dzięki proponowanej zmianie we wszystkich porządkach prawnych Państw Członkowskich będzie stosowana ta sama reguła wejścia na rynek obsługi naziemnej.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Naszym zdaniem nie ma potrzeby zmiany kryteriów uzyskania zgody na wykonywanie działalności w zakresie obsługi naziemnej. Wskazane byłoby natomiast rozszerzenie ujętych w Art. 14 (1) Dyrektywy kryteriów o stosowane przez dany port lotniczy wymogi dotyczące minimalnego poziomu usług, szkolenia pracowników, bezpieczeństwa operacji lotniczych (safety and security).

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Naszym zdaniem, obecna definicja obsługi własnej wymaga doprecyzowania. Chociaż wyklucza ona możliwość podwykonawstwa, to nie wyłącza wyraźnie ze swojego zakresu aktualnie stosowanych na rynku lotniczym praktyk biznesowych takich jak. np. umowy o wzajemnej obsłudze w ramach aliansów lotniczych, umowy typu wet/dry lease, porozumienia dotyczące code-sharing. Definicja obsługi własnej nie powinna być rozszerzona o wspomniane wyżej praktyki biznesowe, ponieważ, w przeciwnym razie, ich uwzględnienie będzie zmniejszać już i tak ograniczony przez obsługę własną, obszar wolnego rynku (contestable market). Rozszerzenie zakresu definicji obsługi własnej mogłoby doprowadzić do zmonopolizowania rynku obsługi naziemnej przez użytkowników portu wykonujących obsługę własną lub wzmocnienia pozycji dominującej, tworzących alianse lotnicze, największych przewoźników lotniczych, co byłoby niekorzystne dla pozostałych podmiotów działających na rynku obsługi naziemnej oraz mniejszych przewoźników lotniczych. W takim przypadku, główny cel Dyrektywy - zapewnienie swobodnego dostępu do rynku obsługi naziemnej - zostałby zagrożony. Biorąc pod uwagę powyższe oraz stosowane przez przewoźników lotniczych praktyki w ramach grup kapitałowych proponujemy, w celu uściślenia definicji obsługi własnej, następujące jej brzmienie: „Własna obsługa naziemna oznacza sytuację, w której użytkownik portu lotniczego bezpośrednio prowadzi jedną lub więcej kategorii obsługi naziemnej dla własnych potrzeb i nie zawiera z osobą trzecią umowy na świadczenie takich usług.”

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Naszym zdaniem nie widzimy przeciwwskazań w doprecyzowaniu definicji ładunku. Jednak pewne wyłączenia mogą powodować problemy we właściwym ustalaniu wielkości obsługowanego ładunku i tym samym stanowić przeszkodę w prawidłowym naliczaniu opłat.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Jesteśmy zainteresowani doprecyzowaniem definicji kategorii usług obsługi naziemnej 1 „Administracja naziemna i nadzór”, w szczególności ze względu na to, że zakres czynności objętych kategorią 1 usług obsługi naziemnej może pokrywać się z czynnościami, do których wykonywania może zostać upoważniony przez użytkownika portu lotniczego w ramach przedstawicielstwa inny podmiot. W przypadku gdy zakres przedstawicielstwa jest zbieżny z wybranymi czynnościami w ramach kategorii 1, powstają istotne trudności z określeniem charakteru działalności takiego podmiotu w porcie lotniczym (agent obsługi naziemnej lub przedstawiciel).

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and

disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Zgadzamy się z opinią, że scentralizowana infrastruktura może w różnych portach europejskich mieć różny zakres. Definicja opisowa jest dobrym rozwiązaniem. Duży problem stanowi interpretacja zarządzaniem scentralizowaną infrastrukturą w przypadku, gdy nie stanowi ona własności zarządzającego portem. Nie ma obecnie rozwiązań/regulacji, które by skutecznie wdrażały te zapisy.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

W przypadku pełnej liberalizacji rynku obsługi naziemnej z punktu widzenia zarządzającego portem kluczowe zagadnienia są następujące: § jak zarządzać infrastrukturą lotniska, żeby nie narazić się na zarzut niezrównanego traktowania AON. Zarządzający musi mieć w uzasadnionych wypadkach wpływ na odmowę udostępnienia infrastruktury i zachować swobodę doboru partnerów stanowiącą przejaw wolności działalności gospodarczej, § jak skutecznie rozszerzać zakres scentralizowanej infrastruktury lotniska o elementy nie będące własnością zarządzającego, § wykaz usług obsługi naziemnej będący załącznikiem do dyrektywy nie jest jednoznaczny i wymaga doprecyzowania np. interpretacja zakresu kategorii 5.7. oraz kat 11 (aktualnie brzmią one bardzo podobnie) oraz zakresu kat 8, a czynności wynikające z posiadania przez podmiot certyfikatu PART 145 na prowadzenia technicznej obsługi statków powietrznych, § wprowadzenia jednolitych zasad co do ubezpieczenia (kwoty ubezpieczenia oraz zakresu ryzyk objętych ubezpieczeniem) działalności w zakresie obsługi naziemnej, w tym zastrzeżenie wyłączenia tych zasad w odniesieniu do podmiotów wykonujących działalność wyłącznie w ramach kategorii 1 usług obsługi naziemnej.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V. (ADV)**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Als Verband der Flughäfen haben wir die Entwicklungen bis zur Marktöffnung nach Inkrafttreten der BVD-RL sehr eng begleitet. Es handelt sich um ein Kerngeschäft der Flughäfen, da die BVD-Dienste für das Funktionieren der Flughäfen von entscheidender Bedeutung sind. Grundsätzlich halten wir eine Änderung der Richtlinie für nicht Notwendig. Klarstellende Ergänzungen sollten von der Kommission in einem Erläuterungspapier zu den jeweiligen Vorschriften formuliert werden.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Grundsätzlich stehen wir dem „Subcontracting“ bei Dienstleistern kritisch gegenüber. Wir sehen die Gefahr, dass in diesem personalintensiven Geschäft aufgrund des Preisdrucks der Airlines die BVD-Mitarbeiter schlechter entlohnt werden. Es könnte deshalb ein Weg sein, dass die Kommission in ihren Erläuterungen zur RL darauf hinweist, dass „Subcontracting“ auf eine Ebene zu beschränken ist und nur transparent und mit Zustimmung des Flughafens erfolgen darf. Weiter sollte klargestellt sein, dass ein Dienstleister die aus der Beauftragung resultierenden Aufgaben, zumindest teilweise selber ausführt und sich zum Zweck der Vertragserfüllung nicht ausschließlich Subunternehmer bedienen darf. Die Kommission wird hier auf ein „level playing field“ achten müssen. Selbstabfertiger dürfen keine Subunternehmer beschäftigen, Art 2 BVD-RL, dabei muss es auch bleiben.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

„Minimum-service-standards“ sind bereits nach der geltenden Richtlinie einführbar. Dies wurde auch in Deutschland gemacht (siehe Anlage 3 zu § 8 BADV). Das deutsche System ist erprobt und hat sich bewährt. Die Vereinbarung von Qualitätskriterien liegt im ureigenen Interesse der Flughäfen, so dass diese regelmäßig bilateral vereinbart werden. Deshalb sehen wir hier keinen Änderungsbedarf.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Die deutschen Flughäfen haben das Wegbrechen von Marktanteilen durch die Zunahme des Verkehrs respektive natürlicher Fluktuation kompensieren können. Betriebsbedingte Kündigungen in nennenswertem Umfang waren nicht notwendig. Auch die Frage eines Betriebsüberganges stellte sich bisher nicht. Es ist allerdings vorhersehbar, dass, wenn Lizenzen von Dienstleistern auslaufen und ein neuer Dienstleister in den Markt eintritt, der bisherige Dienstleister den Mitarbeitern kündigt und der neue Dienstleister neue Mitarbeiter einstellt. Wir schlagen vor, dass die Kommission in einem Erläuterungspapier zur Richtlinie klarstellend vorgibt, dass ein Dienstleisterwechsel nach Ablauf der Lizenz als Betriebsübergang anzusehen ist. Die Produktionsbedingungen am Standort „Flughafen“, müssen im Interesse der Airlines über den Konzessionswechsel hinaus gesichert werden. Das hat seinen Grund darin, dass der Flughafen keine Kapazitäten mehr vorhält um den Wegfall des Dienstleisters kompensieren zu können. Vorteil aus Sicht der Arbeitnehmer ist, dass das Ende der Lizenz des Arbeitgebers nicht den Verlust des Arbeitsplatzes bedeutet.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Die Flughäfen wünschen eine angemessene Bezahlung der Mitarbeiter im BVD. Allerdings handelt es sich hier um Fragen, welche auf Ebene der Mitgliedsstaaten geregelt werden müssen. Aus unserer Sicht kann die EU zur Stabilisierung beitragen, indem sie keine weitere Marktöffnung vornimmt.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Das Problem stellt sich in der Praxis nicht. Die Flughäfen haben kein Problem bei der Kommunikation mit den Airlines, auch wenn diese nicht vor Ort sind. Hinweis: An jedem Flughafen gibt es für Probleme mit dem Gepäck lost and found-Schalter als Anlaufstelle für die Fluggäste.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Bisher ist keine Häufung von „safety/security“ Problemen in größerem Ausmaß bekannt. Die fortschreitende Liberalisierung könnte jedoch in Zukunft zu Problemen führen. Hintergrund ist zum einen die zu beobachtende Verschlechterung der Personalqualifizierung und zum anderen der steigende administrative Aufwand zur Überprüfung der Personen, welche Zugänge zu den Sicherheitsbereichen erhalten müssen. Hinzu kommt der erhebliche Kostendruck im Markt, welcher zu einer schlechteren Bezahlung des Personals führt und damit auch die Motivation beeinträchtigt.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Aus Sicht der Flughäfen sollten die Lizenzen immer wieder neu vergeben werden und keine Erbhöfe zementiert werden - 7 Jahre sind ein dafür angemessener Zeitraum.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Die Praxis zeigt, dass die berechtigten Anliegen des Nutzausschusses bei der Auswahlentscheidung berücksichtigt werden. Die auswählende Stelle (Behörde oder Flughafen) muss jedoch auch die Interessen des Gesamtsystems Flughafen berücksichtigen und braucht dafür Entscheidungsspielraum ohne Bindung an die Vorgabe einer Interessengruppe.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Ist in der Praxis nicht relevant - es gibt praktisch keine Interessenten für Selbstabfertigung und Airlines nutzen nicht einmal die vorhandenen Lizenzen. Die Frage ist außerdem in Deutschland in der Umsetzungsvorschrift bereits geregelt (Anlage 2 zu § 7 BADV)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Genauere und detaillierte Vorgaben für den Zugang zu / die Nutzung von Flughafeninfrastruktur in der BVD-RL sind nicht erforderlich. Den Rahmen für diese Entgelte gibt auch die EntgeltRL vor.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Eine zusätzliche Behörde für BVD-Fragen wäre ein unvertretbarer Verwaltungsaufwand, der lediglich die Kosten für alle am System Beteiligten erhöhen würde.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Weitere Regelungen bringen keinen praktischen Nutzen. Methoden / Regeln geben unabhängige Wirtschaftsprüfer vor, die die effektive Trennung bestätigen müssen.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Auch hier gilt, dass weitere Regelungen keinen praktischen Nutzen bringen: Die Prüfung erfolgt durch unabhängige Wirtschaftsprüfer, die strengen Berufsregelungen verpflichtet sind. Eine generelle Veröffentlichungspflicht zum Prüfungsergebnis halten wir für überzogen. Interessiert daran sind die Nutzer. Diese werden über den Nutzerausschuss informiert.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Der Vorschlag widerspricht Europarecht. Er wurde schon vielfach diskutiert und deshalb verworfen: Das BVD-Geschäft war und ist Kerngeschäft der Flughäfen. Eine Pflicht zur Teilnahme am Ausschreibungsverfahren käme in der Konsequenz einer Enteignung gleich. Der Status der Flughäfen als ein „gesetzter“ BVD-Dienstleister muss auch in Zukunft Bestand haben. Es ist nicht richtig, dass der Flughafen gegenüber Dritten Dienstleistern einen Wettbewerbsvorteil hat. Umgekehrt haben unabhängige Dienstleister, die europaweit oder weltweit tätig sind, den Vorteil, dass sie „Multistationcontracts“ abschließen können, während der Flughafen auf seinen Standort beschränkt ist. Weiter haben Dienstleister die an verschiedenen Standorten tätig sind die Möglichkeit Quersubventionen zwischen diesen Standorten vorzunehmen. Auch dies ist ein Vorzug, den der örtlich tätige Flughafen nicht hat.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Vernünftige Lösungen müssen im Einzelfall entwickelt werden. Deshalb ist eine gesetzliche und schematische Lösung abzulehnen. So ergeben sich z.B. neue Konstellationen hinsichtlich des Platzbedarfs bei einer Änderung des Verkehrsaufkommens oder einem Wechsel des Kunden. Dienstleister und Flughafen müssen hier im Einzelfall eine Lösung finden. Dies fordert auch das Wettbewerbsrecht. Eine Spezialregelung in den BVD-Vorschriften ist überflüssig.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Beschränkter Platz an allen Flughäfen ist ein wichtiges Thema. Dies muss sich die Kommission insbesondere bei Überlegungen für eine weitere Liberalisierung vor Augen halten. Die Praxis zeigt, dass Platzknappheit im Ergebnis das Gesamtsystem deutlich teurer macht: so hat z.B. der Transport von Gerät von der Abstellfläche zur Einsatzfläche am Flughafen Düsseldorf von 2008 auf 2009 erheblichen Mehraufwand erforderlich gemacht, da Geräte aufgrund von Platzmangel neu

positioniert werden mussten. Die Schlepperbetriebsstunden je Flugzeugabfertigung sind um 40 Prozent angestiegen.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Eine europaweite Harmonisierung des Marktes erscheint überambitioniert und unnötig - örtliche Besonderheiten würden keine Berücksichtigung mehr finden. Mehr wäre erreicht, wenn Brüssel europaweit auf eine ordnungsgemäße Umsetzung der bestehenden RL hinwirkt. Hier darf nicht der zweite vor dem ersten Schritt gesetzt werden.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Die Flughäfen stehen einer vollständigen Marktöffnung kritisch gegenüber. Vorteil ist das Entstehen von Qualitäts- und Produktivitätsdruck. Nachteil ist ein Effizienzverlust: Das Abfertigungsgeschäft hat aufgrund der typischen Flugpläne mehrere Arbeitsspitzen. Die Aufteilung des Abfertigungsgeschäftes auf beliebig viele Dienstleister vertieft die Täler zwischen diesen Spitzen. Außerdem werden sich die Kosten für das Gesamtsystem mittel- bis langfristig steigern, z.B. weil Platzprobleme Ausbaumaßnahmen notwendig machen. Darüber hinaus werden die Abfertigungsprozesse durch weitere Dienstleister zunehmend komplexer, da sämtliche Aktivitäten verzahnt ineinandergreifen müssen. Nach unserer Einschätzung kann dies dazu führen, dass durch den zunehmenden Wettbewerb die Verdienstmöglichkeiten für keinen Dienstleister mehr ausreichend sind. Qualitätsverluste sind dann absehbar. Schließlich ist zu bedenken, dass die mit einer vollständigen Marktöffnung verbundene Umbruchsituation im BVD den sozialen Frieden gefährden könnte.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Der vorgeschlagene Mechanismus ist nicht hilfreich. Es soll bei dem vorgegebenen Schwellenwerten bleiben, und zwar sowohl bei einer Überschreitung des Schwellenwertes (dann Zulassung eines Dienstleister) als auch beim Unterschreiten (Erlöschen der Lizenz des Dienstleisters). Allerdings gelten auch für Flughäfen die erstmals einen Schwellenwert überschreiten, die oben angesprochenen Punkte (Platzmangel-Verkehrsdichte-Kostensteigerung-sozialer Friede)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Für die großen Flughäfen sehen wir keinen Bedarf für eine Erhöhung der Anzahl der Dienstleister. Wir geben zu bedenken, dass durch eine Zunahme des Verkehrs an größeren und großen Flughäfen in aller Regel der Platz auf der Luftseite sehr knapp wird. Es gelten dann die oben angeführten Argumente. Siehe Frage 19.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Die geltenden Regeln reichen aus, siehe Art. 14 der Richtlinie.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Die geltenden Regeln reichen aus, siehe Art. 14 der Richtlinie.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Wir sehen keinen Änderungsbedarf für die Definition der Selbstabfertigung. Es muss dabei bleiben, dass „Subcontracting“ nicht zulässig ist. Es darf keine Änderung der Definition des Dritten im Sinne von Art. 2 f) der Richtlinie vorgenommen werden. Darüber hinaus darf es auch keine Ausweitung auf „wet lease“ und „dry lease“ geben. Denn mit allen Änderungen der Definition der Selbstabfertigung wird der Marktanteil, der dem Wettbewerb offen steht, verkleinert. In Deutschland hat das Thema keine Relevanz in der Praxis, da keine Airline Selbstabfertigung macht.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Bei spezieller Fracht (z.B. Särge, Kunstwerke) wird im Einzelfall am Flughafen eine pragmatische Lösung gefunden. In der Regel kann der Bestattungsunternehmer unter Aufsicht des zugelassenen Dienstleisters an das Flugzeug heranfahren. Bei dem Tätigwerden von Integrators ist zu differenzieren: - solche, die selbst fliegen, sind Nutzer im Sinn der BVD-RL und können deshalb grundsätzlich im Rahmen der Selbstabfertigung tätig werden. - andere werden sich eines zugelassenen Fracht-Dienstleisters bedienen müssen. Anderenfalls hätten wir eine nicht mehr überschaubare Situation auf dem Vorfeld: Alle Speditionen und Luftfrachtabfertiger, die eilige Tür-zu-Tür-Zustellungen von Dokumenten und Paketen anbieten, wären dann auf dem Vorfeld tätig.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Aus deutscher Sicht stellt dies kein Problem dar.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Die Definition der Zentralen Infrastruktureinrichtungen und ihrer Benutzung ist so weit, dass dem praktischen Bedarf Rechnung getragen werden kann, zumal die Verhältnisse an den Flughäfen nicht einheitlich sind. Wir sehen hier keinen Änderungsbedarf.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Wir sehen hier zwei Themen: 1. Wird ein Flughafen-BVD verkauft, soll die Lizenz für sieben Jahre ab Verkaufsdatum gelten. Die Kommission könnte diese Frage in einem Erläuterungspapier zur Richtlinie klarstellen. 2. Die Kommission muss darauf achten, dass BVD-Dienste künftig wirtschaftlich erfolgreich betrieben werden können. Es darf nicht geschehen, dass alle anderen Interessen der Marktmacht der Airlines untergeordnet werden müssen.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Keine Hinweise

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Société de l'aéroport de Luxembourg SA**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

lux-Airport est l'entité légalement chargée au Grand-duché de Luxembourg notamment de l'exploitation technique et commerciale de l'aéroport, sans préjudice des missions dévolues à l'Administration de la navigation aérienne, ainsi que de la supervision, sous la responsabilité de l'Etat, du respect des contrats de concession d'assistance en escale en matière de passagers et de fret.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Il est à la fois nécessaire d'autoriser le recours à la sous-traitance tout en en dessinant ses limites. Afin de donner plein effet à la directive (ouverture du marché de l'assistance en escale), il convient en effet d'autoriser que certaines catégories de services nécessitant des investissements importants et/ou particuliers puissent être sous-traités de manière à ce que les candidats puissent s'installer de manière efficace et durable sans avoir à en supporter les investissements. Le de-icing en est ainsi un exemple tout comme le transport des passagers et des équipages. Parallèlement, il convient cependant d'éviter que des catégories de services requérant une technique ou un savoir faire particulier puissent l'être. L'approvisionnement des aéronefs en carburant illustre cette idée.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Les contrats d'assistance en escale conclus entre l'Etat du Grand-duché de Luxembourg et les divers prestataires de services d'assistance en escale mentionnent des critères de qualité à la fois quantitatifs et qualitatifs adaptés à la situation particulière locale et misant sur une très haute qualité de service. Une éventuelle harmonisation de ces critères ne devrait pas se faire au détriment des spécificités et des besoins locaux.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Nous n'avons pas de retour d'expérience à communiquer dans ce domaine.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Nous n'avons pas de retour d'expérience à communiquer dans ce domaine.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Les compagnies aériennes desservant l'aéroport de Luxembourg étant présentes sur site, nous n'avons pas de retour d'expérience à communiquer dans ce domaine.



(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Nous n'avons pas de retour d'expérience à communiquer dans ce domaine.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

L'extension de la durée maximale de la concession de 7 à 10 ans permettra sans aucun doute d'améliorer l'attractivité des plateformes aéroportuaires en ce sens où les nouveaux prestataires arrivants ont à supporter des coûts importants et ont à faire face non seulement à des démarches administratives mais aussi à un processus de recrutement de personnel. Une durée accrue permettra ainsi d'accroître les objectifs de rentabilité et de pérennisation de l'activité.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

La contribution du comité des usagers dans le processus de sélection nous est apparue comme minime. Sans évoquer le conflit d'intérêt existant (la principale compagnie basée fournissant elle-même des services d'assistance en escale), il est en effet à noter que lors de l'expérience menée à Luxembourg, les compagnies membres du comité des usagers n'ont pas su s'exprimer d'une seule et même voix et qu'aucune n'a finalement quitté le prestataire basé pour le prestataire arrivant

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Etant donnée la particularité de l'aéroport de Luxembourg à cet égard, cette question n'a pas eu l'occasion de se poser.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

lux-Airport défendant l'attractivité de l'aéroport de Luxembourg, il n'est pour l'heure pas question d'introduire une telle redevance si bien que la question n'a pas encore eu l'occasion de se poser.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

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(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Nous n'avons pas de retour d'expérience à communiquer dans ce domaine.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts?

Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Nous n'avons pas de retour d'expérience à communiquer dans ce domaine.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Il nous semble que la procédure par appel d'offres est la seule permettant d'atteindre les objectifs de transparence et de non discrimination recherchés.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Cette question ne se pose pas à Luxembourg dans la mesure où le marché, essentiellement en raison de sa taille, n'est pas pleinement ouvert pour l'assistance « bagages », l'assistance « opérations en piste », l'assistance « carburant et huile » et l'assistance « fret et poste », services par ailleurs particulièrement « consommateurs » d'espace.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

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(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

La situation actuelle, laissant le soin à chaque Etat membre de limiter ou non le nombre de prestataires pour certaines catégories de services, nous paraît justifiée. Une éventuelle harmonisation ne se fera qu'au détriment des considérations et des besoins locaux.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

lux-Airport se prononce contre une ouverture complète du marché qui induira nécessairement des problèmes opérationnels, de sûreté et de sécurité ainsi qu'une diminution de la qualité des prestations.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Sans préjudice des remarques précédemment faites, l'introduction de seuils supplémentaires permettra sans aucun doute de prendre en considération la situation locale. Il est en effet artificiel et inopportun d'opérer une classification des aéroports en deux catégories seulement, selon qu'ils se trouvent en deçà ou au-delà des seuils actuellement en vigueur.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

lux-Airport ne pouvant, de par son trafic, être considéré comme tel, cette question ne se pose pas.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

L'introduction d'un agrément a été reprise par la législation luxembourgeoise. Les prescriptions contenues dans l'agrément sont les mêmes que celles requises dans le cahier des charges. De nouveau, lux-Airport insiste sur la nécessité de laisser le soin à chaque Etat membre d'en fixer souverainement les conditions.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Sans préjudice de ce qui précède, lux-Airport note en effet que les critères énoncés sont bien souvent « théoriques » et ne reflètent pas la capacité technique du prestataire à fournir les services d'assistance en escale requis. L'existence d'une démarche qualité et la formation continue du personnel nous paraissent être essentielles à cet égard.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

La définition de cette notion n'appelle pas de commentaires de notre part.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

La définition de cette notion n'appelle pas de commentaires de notre part.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

La définition de cette notion n'appelle pas de commentaires de notre part.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

La définition de cette notion n'appelle pas de commentaires de notre part.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Néant

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Cologne Bonn Airport**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Wir haben die Entwicklungen bis zur Markttöffnung nach Inkrafttreten der BVD-RL sehr eng begleitet. Es handelt sich um ein Kerngeschäft der Flughäfen, da die BVD-Dienste für das Funktionieren der Flughäfen von entscheidender Bedeutung sind. Grundsätzlich halten wir eine Änderung der Richtlinie für nicht notwendig. Klarstellende Ergänzungen sollten von der Kommission in einem Erläuterungspapier zu den jeweiligen Vorschriften formuliert werden.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Grundsätzlich stehen wir dem „Subcontracting“ bei Dienstleistern kritisch gegenüber. Wir sehen die Gefahr, dass in diesem personalintensiven Geschäft aufgrund des Preisdrucks der Airlines die BVD-Mitarbeiter schlechter entlohnt werden. Es könnte deshalb ein Weg sein, dass die Kommission in ihren Erläuterungen zur RL darauf hinweist, dass „Subcontracting“ auf eine Ebene zu beschränken ist und nur transparent und mit Zustimmung des Flughafens erfolgen darf. Weiter sollte klargestellt sein, dass ein Dienstleister die aus der Beauftragung resultierenden Aufgaben, zumindest teilweise selber ausführt und sich zum Zweck der Vertragserfüllung nicht ausschließlich Subunternehmer bedienen darf. Die Kommission wird hier auf ein „level playing field“ achten müssen. Selbstabfertiger dürfen keine Subunternehmer beschäftigen, Art 2 BVD-RL, dabei muss es auch bleiben.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

„Minimum-service-standards“ sind bereits nach der geltenden Richtlinie einführbar. Dies wurde auch in Deutschland gemacht (siehe Anlage 3 zu § 8 BADV). Das deutsche System ist erprobt und hat sich bewährt. Die Vereinbarung von Qualitätskriterien liegt im ureigenen Interesse der Flughäfen, so dass diese regelmäßig bilateral vereinbart werden. Deshalb sehen wir hier keinen Änderungsbedarf.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Die deutschen Flughäfen haben das Wegbrechen von Marktanteilen durch die Zunahme des Verkehrs respektive natürlicher Fluktuation kompensieren können. Betriebsbedingte Kündigungen in nennenswertem Umfang waren nicht notwendig. Auch die Frage eines Betriebsüberganges stellte sich bisher nicht. Es ist allerdings vorhersehbar, dass, wenn Lizenzen von Dienstleistern auslaufen und ein neuer Dienstleister in den Markt eintritt, der bisherige Dienstleister den Mitarbeitern kündigt und der neue Dienstleister neue Mitarbeiter einstellt. Wir schlagen vor, dass die Kommission in einem Erläuterungspapier zur Richtlinie klarstellend vorgibt, dass ein Dienstleisterwechsel nach Ablauf der Lizenz als Betriebsübergang anzusehen ist. Die Produktionsbedingungen am Standort „Flughafen“, müssen im Interesse der Airlines über den Konzessionswechsel hinaus gesichert werden. Das hat seinen Grund darin, dass der Flughafen keine Kapazitäten mehr vorhält um den Wegfall des Dienstleisters kompensieren zu können. Vorteil aus Sicht der Arbeitnehmer ist, dass das Ende der Lizenz des Arbeitgebers nicht den Verlust des Arbeitsplatzes bedeutet.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Die Flughäfen wünschen eine angemessene Bezahlung der Mitarbeiter im BVD. Allerdings handelt es sich hier um Fragen, welche auf Ebene der Mitgliedsstaaten geregelt werden müssen. Aus unserer Sicht kann die EU zur Stabilisierung beitragen, indem sie keine weitere Marktöffnung vornimmt.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Das Problem stellt sich in der Praxis nicht. Die Flughäfen haben kein Problem bei der Kommunikation mit den Airlines, auch wenn diese nicht vor Ort sind. Hinweis: An jedem Flughafen gibt es für Probleme mit dem Gepäck lost and found-Schalter als Anlaufstelle für die Fluggäste.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Bisher ist keine Häufung von „safety/security“ Problemen in größerem Ausmaß bekannt. Die fortschreitende Liberalisierung könnte jedoch in Zukunft zu Problemen führen. Hintergrund ist zum einen die zu beobachtende Verschlechterung der Personalqualifizierung und zum anderen der steigende administrative Aufwand zur Überprüfung der Personen, welche Zugänge zu den Sicherheitsbereichen erhalten müssen. Hinzu kommt der erhebliche Kostendruck im Markt, welcher zu einer schlechteren Bezahlung des Personals führt und damit auch die Motivation beeinträchtigt.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Aus Sicht der Flughäfen sollten die Lizenzen immer wieder neu vergeben werden und keine Erbhöfe zementiert werden - 7 Jahre sind ein dafür angemessener Zeitraum.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Die Praxis zeigt, dass die berechtigten Anliegen des Nutzerausschusses bei der Auswahlentscheidung berücksichtigt werden. Die auswählende Stelle (Behörde oder Flughafen) muss jedoch auch die Interessen des Gesamtsystems Flughafen berücksichtigen und braucht dafür Entscheidungsspielraum ohne Bindung an die Vorgabe einer Interessengruppe.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Ist in der Praxis nicht relevant - es gibt praktisch keine Interessenten für Selbstabfertigung und Airlines nutzen nicht einmal die vorhandenen Lizenzen. Die Frage ist außerdem in Deutschland in der Umsetzungsvorschrift bereits geregelt (Anlage 2 zu § 7 BADV)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Genauere und detaillierte Vorgaben für den Zugang zu / die Nutzung von Flughafeninfrastruktur in der BVD-RL sind nicht erforderlich. Den Rahmen für diese Entgelte gibt auch die EntgeltRL vor.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Eine zusätzliche Behörde für BVD-Fragen wäre ein unvertretbarer Verwaltungsaufwand, der lediglich die Kosten für alle am System Beteiligten erhöhen würde.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Weitere Regelungen bringen keinen praktischen Nutzen. Methoden / Regeln geben unabhängige Wirtschaftsprüfer vor, die die effektive Trennung bestätigen müssen.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Auch hier gilt, dass weitere Regelungen keinen praktischen Nutzen bringen: Die Prüfung erfolgt durch unabhängige Wirtschaftsprüfer, die strengen Berufsregelungen verpflichtet sind. Eine generelle Veröffentlichungspflicht zum Prüfungsergebnis halten wir für überzogen. Interessiert daran sind die Nutzer. Diese werden über den Nutzerausschuss informiert.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Der Vorschlag widerspricht Europarecht. Er wurde schon vielfach diskutiert und deshalb verworfen: Das BVD-Geschäft war und ist Kerngeschäft der Flughäfen. Eine Pflicht zur Teilnahme am Ausschreibungsverfahren käme in der Konsequenz einer Enteignung gleich. Der Status der Flughäfen als ein „gesetzter“ BVD-Dienstleister muss auch in Zukunft Bestand haben. Es ist nicht richtig, dass der Flughafen gegenüber Dritten Dienstleistern einen Wettbewerbsvorteil hat. Umgekehrt haben unabhängige Dienstleister, die europaweit oder weltweit tätig sind, den Vorteil, dass sie „Multistationcontracts“ abschließen können, während der Flughafen auf seinen Standort beschränkt ist. Weiter haben Dienstleister die an verschiedenen Standorten tätig sind die Möglichkeit Quersubventionen zwischen diesen Standorten vorzunehmen. Auch dies ist ein Vorzug, den der örtlich tätige Flughafen nicht hat.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Vernünftige Lösungen müssen im Einzelfall entwickelt werden. Deshalb ist eine gesetzliche und schematische Lösung abzulehnen. So ergeben sich z.B. neue Konstellationen hinsichtlich des Platzbedarfs bei einer Änderung des Verkehrsaufkommens oder einem Wechsel des Kunden. Dienstleister und Flughafen müssen hier im Einzelfall eine Lösung finden. Dies fordert auch das Wettbewerbsrecht. Eine Spezialregelung in den BVD-Vorschriften ist überflüssig.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Beschränkter Platz an allen Flughäfen ist ein wichtiges Thema. Dies muss sich die Kommission insbesondere bei Überlegungen für eine weitere Liberalisierung vor Augen halten. Die Praxis zeigt, dass Platzknappheit im Ergebnis das Gesamtsystem deutlich teurer macht.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the

advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Eine europaweite Harmonisierung des Marktes erscheint überambitioniert und unnötig - örtliche Besonderheiten würden keine Berücksichtigung mehr finden. Mehr wäre erreicht, wenn Brüssel europaweit auf eine ordnungsgemäße Umsetzung der bestehenden RL hinwirkt. Hier darf nicht der zweite vor dem ersten Schritt gesetzt werden.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Die Flughäfen stehen einer vollständigen Marktöffnung kritisch gegenüber. Vorteil ist das Entstehen von Qualitäts- und Produktivitätsdruck. Nachteil ist ein Effizienzverlust: Das Abfertigungsgeschäft hat aufgrund der typischen Flugpläne mehrere Arbeitsspitzen. Die Aufteilung des Abfertigungsgeschäftes auf beliebig viele Dienstleister vertieft die Täler zwischen diesen Spitzen. Außerdem werden sich die Kosten für das Gesamtsystem mittel- bis langfristig steigern, z.B. weil Platzprobleme Ausbaumaßnahmen notwendig machen. Darüber hinaus werden die Abfertigungsprozesse durch weitere Dienstleister zunehmend komplexer, da sämtliche Aktivitäten verzahnt ineinandergreifen müssen. Nach unserer Einschätzung kann dies dazu führen, dass durch den zunehmenden Wettbewerb die Verdienstmöglichkeiten für keinen Dienstleister mehr ausreichend sind. Qualitätsverluste sind dann absehbar. Schließlich ist zu bedenken, dass die mit einer vollständigen Marktöffnung verbundene Umbruchsituation im BVD den sozialen Frieden gefährden könnte.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Der vorgeschlagene Mechanismus ist nicht hilfreich. Es soll bei dem vorgegebenen Schwellenwerten bleiben, und zwar sowohl bei einer Überschreitung des Schwellenwertes (dann Zulassung eines Dienstleister) als auch beim Unterschreiten (Erlöschen der Lizenz des Dienstleisters). Allerdings gelten auch für Flughäfen die erstmals einen Schwellenwert überschreiten, die oben angesprochenen Punkte (Platzmangel-Verkehrsdichte-Kostensteigerung-sozialer Friede)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Wir sehen keinen Bedarf für eine Erhöhung der Anzahl der Dienstleister. Wir geben zu bedenken, dass durch eine Zunahme des Verkehrs am Flughafen CGN in aller Regel der Platz auf der Luftseite sehr knapp wird. Es gelten dann die oben angeführten Argumente. Siehe Frage 19.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Die geltenden Regeln reichen aus, siehe Art. 14 der Richtlinie.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Die geltenden Regeln reichen aus, siehe Art. 14 der Richtlinie.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Wir sehen keinen Änderungsbedarf für die Definition der Selbstabfertigung. Es muss dabei bleiben, dass „Subcontracting“ nicht zulässig ist. Es darf keine Änderung der Definition des Dritten im Sinne von Art. 2 f) der Richtlinie vorgenommen werden. Darüber hinaus darf es auch keine Ausweitung auf

„wet lease“ und „dry lease“ geben. Denn mit allen Änderungen der Definition der Selbstabfertigung wird der Marktanteil, der dem Wettbewerb offen steht, verkleinert. In Deutschland hat das Thema keine Relevanz in der Praxis, da keine Airline Selbstabfertigung macht.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Bei spezieller Fracht (z.B. Säрге, Kunstwerke) wird im Einzelfall am Flughafen eine pragmatische Lösung gefunden. In der Regel kann der Bestattungsunternehmer unter Aufsicht des zugelassenen Dienstleisters an das Flugzeug heranfahren. Bei dem Tätigwerden von Integrators ist zu differenzieren: - solche, die selbst fliegen, sind Nutzer im Sinn der BVD-RL und können deshalb grundsätzlich im Rahmen der Selbstabfertigung tätig werden. - andere werden sich eines zugelassenen Fracht-Dienstleisters bedienen müssen. Anderenfalls hätten wir eine nicht mehr überschaubare Situation auf dem Vorfeld: Alle Speditionen und Luftfrachtabfertiger, die eilige Tür-zu-Tür-Zustellungen von Dokumenten und Paketen anbieten, wären dann auf dem Vorfeld tätig.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Aus deutscher Sicht stellt dies kein Problem dar.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Die Definition der Zentralen Infrastruktureinrichtungen und ihrer Benutzung ist so weit, dass dem praktischen Bedarf Rechnung getragen werden kann, zumal die Verhältnisse an den Flughäfen nicht einheitlich sind. Wir sehen hier keinen Änderungsbedarf.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Wir sehen hier zwei Themen: 1. Wird ein Flughafen-BVD verkauft, soll die Lizenz für sieben Jahre ab Verkaufsdatum gelten. Die Kommission könnte diese Frage in einem Erläuterungspapier zur Richtlinie klarstellen. 2. Die Kommission muss darauf achten, dass BVD-Dienste künftig wirtschaftlich erfolgreich betrieben werden können. Es darf nicht geschehen, dass alle anderen Interessen der Marktmacht der Airlines untergeordnet werden müssen.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

none



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Manchester Airports Group plc**

Airport or airports' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Manchester Airports Group (MAG) fully embraced the Directive when it became law and has operated a fully liberalised regime from the outset. Any potential revisions to the Directive are of interest to MAG as they will impact on our day-to-day operational activities.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

There is a need for a framework for allowing subcontracting. Under appropriate circumstances subcontracting can provide a better service overall. It allows the main handlers not to have to provide specialist services that are better provided by specialist subcontractors. It also allows for handlers to sub contract work to each other, which gives better flexibility to cope with periods of peak demand. On the other hand, excessive sub-contracting creates additional space requirements and can result in unclear responsibilities when problems arise, particularly if 'pyramids' of subcontracting are allowed. MAG would suggest the following are basic rules to be incorporated into any handling licence (which is the system operated at Manchester Airport) : (i) Sub-sub contracting should not generally be allowed. (ii) The handlers should require the consent of the airline user before allowing any of its activities to be sub contracted out. (iii) The handlers should legally ensure that the sub contractor complies with the terms of the handling licence, particularly insurance and indemnity provisions. (iv) The main handler should remain wholly responsible for the provision of the service, for ensuring compliance and for payment of relevant fees. (v) The main handler shall enter into a contract with the subcontractor that reflect the terms of the main handler's licence. (vi) The main handler shall inform the airport of any areas it intends to subcontract. (vii) The main handler shall inform the airport of the identity of the sub contractor and any other information required. (viii) The sub contractor shall enter into a ground handling licence directly with the airport operator.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The advantages of specified minimum quality standards are that service and safety standards will improve - reduced ground incidents, less performance issues etc. The poor service standards are particularly manifest today in those areas of airline responsibility which are perceived by both airline and passenger to be the airport's responsibility, such as baggage reclaim. The passenger who has already 'arrived' at their destination airport is very low in the priorities of the airline that has brought them there. The downside of enforcing such higher standards is that the increased costs involved with increased staff, supervision, better equipment etc will be passed onto the airline and ultimately the passenger. The cost impact of such changes will vary at different airports, and changes to the competitive environment between airports will be the inevitable result.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Within the UK, the TUPE legislation offers adequate protection in such circumstances. (However, it does not necessarily guarantee that there will always be sufficient staff to carry out the ground handling function).

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

No comment

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

It should be a minimum requirement that every airline has a nominated handling agent at each airport it uses, even if only operated on an occasional/divert airport basis. This would enable any questions of legal accountability to be resolved locally. The disadvantages will be the increased costs for the airline, although these should be relatively small at diversion airports.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Allowing free entry to ground handlers in accordance with the Directive has led to increased congestion and associated health and safety problems, particularly on the ramp and aprons areas and in baggage sortation halls. It has been necessary for airports to invest in new infrastructure or to adapt existing layout in order to accommodate this. Sometimes, this investment will earn very poor returns for the airport operator and would not necessarily have been undertaken in the absence of the Directive. On the other hand, in certain jurisdictions there remain elements of protectionism, with small numbers of handlers operating under a deliberately limited regime, which result in high cost/poor service results being provided to airline users. There ought to be a 'happy medium' within this scenario, whereby an airports size and layout of facilities can be used, by a formula, to determine the optimum number of handlers (and sub contractors). Such a formula should not be based on passenger throughput, but should relate to ATM throughput, physical size of certain facilities (apron and baggage sortation halls) and layout. This would give a guide as to the number of main handlers that should be found at any given airport. The end result of such a formula would more normally be a narrow range, rather than a precise number.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Not relevant to Manchester Airport Group as we do not operate such a tender process. However, we would support the additional flexibility that 10 year licences would give as it would encourage more of a long term strategy by the main handlers and allow them to invest in up-to-date equipment.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

No comment

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

No comment

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

It is difficult to understand the context for this question as in the UK, fees for the use of 'centralised infrastructure' are not charged. Within the UK, much of the airport market is highly competitive, and airport charges are competitive as a result. Many airports have resorted to charging single 'all-in' per passenger fees to cover all elements of the traditional 'aviation charges', as these have been what user airlines have demanded. Introducing further fees for infrastructure would cut across this process. They would not necessarily increase the total income collected by the airport.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Fees and charges typically levied on handling agents are discussed at Manchester Airport during our annual Joint Charges Forum consultation process. The UK Civil Aviation Authority and generic competition regulators already have the power to impose conditions either under Section 41 of the Airports Act 1986, or the generic competition legislation if any complaints are made about the nature and level of such charges.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

MAG understands the need for precision in the separation of accounts where an in-house handler operates. This helps provide the desired level of transparency to cost levels. MAG's own subsidiary, Ringway Handling Service Ltd ceased to operate in April 2008, so we have no further comments to make in this area.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

No comment

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

No comment

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

MAG does not support any proposal to auction airport space. With commonly used areas, e.g. apron and ramp space, we favour a collaborative approach where the airport takes a pro-active line in order to accommodate new handlers, and such space will always be found, albeit initially this may not be in the most advantageous location for the new entrant. With offices and ramp engineering space, 'first come, first served' is the typical system used in the UK, as handlers will have leases and tenancy agreements and will be protected as business tenants by UK law, which does not allow the airport as landlord to terminate the use of such space in order to accommodate as far as possible a new entrant. Again, a collaborative approach is required, which requires the airport to try to find space that is suitable for the new entrant. Airports might have to invest in additional space to settle these requirements, although the idea of a guideline formula, which would involve

some general limitation to numbers, as outlined in our answer to Question 9 would provide some assistance.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

No comment

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Harmonising the market would allow Pan-European deals to be done and for airlines to obtain lower handling costs as a result. Promoting further liberalisation at those airports operating restricted airside regimes would give greater choices to airlines, with lower costs and competitive service standards as a result. The disadvantages are that not all handlers could be represented at all European airports.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Please see previous answer

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

To prevent such 'oscillation' problem, MAG would support the proposal to require airports to have to meet the threshold for three consecutive years in order to be subject the relevant provisions of the Directive.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Please see previous answer.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Not applicable in the UK

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Not applicable in the UK

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

This could be clarified so as to cover all the situations referred to, for the avoidance of doubt.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Freight handling should be made as liberalised as possible.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

MAG sees no reason to change this definition. It is well understood in the industry.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

As indicated earlier, it is difficult in the UK to understand the context of this question. MAG takes the views that the airport operator should always be the sole manager of such infrastructure.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

No comments

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

MAG can offer no hard data to assist in these matters as we are not privy to the level of detail required. Since liberalisation of the market at Manchester, the number of main handlers has remained constant at between 5 and 7. Some handlers have traded here for a long time, others for shorter periods. However, the industry is in a constant state of flux, with takeovers and mergers serving to blur the identities of particular operators over time. Airlines too, tend to swap handlers with greater frequency than in the past : this is inevitable within a highly competitive sector.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Malta Business Aviation Association**

Association/non-governmental organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

As the Maltese Business Aviation Association it is our interest to protect and promote the interests of our members, who are business aviation operators and service providers such as FBOs.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Malta is very particular as it is a one airport state. Although our government has allowed for some liberalisation but legislating that a maximum of two handlers will be allowed on the airfield this has proved very detrimental for business, corporate and general aviation service providers. Service providers who provide services dedicated to business aviation are not allowed to apply for a handling licence for their specific industry. Instead they must make arrangements with the the airline handlers to operate under their licence. This has put these operators at a disadvantage because they can only provide supervision officially. In effect the whole service is being provided by these service providers from marshalling to VIP ramp transport, however not only they have to pay a the licence cost to the airport operator but also a royalty to the handling agent in whose name the licence was issued. The impact of this is that business aviation operators travelling to Malta have a higher cost than in other European airports even though the service is of a lesser quality, due to the fact that Malta does not have a general aviation terminal. It puts these operators at a disadvantage with the two major airline handling agents. We feel that the royalty itself goes against the spirit of free market. The situation is such that business aviation service providers are reluctant to invest further in the industry as they are at the mercy of the larger airline operators which obviously does gives their employees a lack of job security as well as lack of future career development. Our suggestion would be that aircraft ground handling should be split in two categories Scheduled and Charter Airline handling and Business, COrporate and General Aviation Aircraft handling with the latter being capped for aircraft whose weight does not exceed 50,000 tons and/or who have a seating configuration of less than 48 seats. This will improve the level of service provided to the operators and allows the service providers a level playing field. We feel that in airports where there are already 'supervisors', they should be given a first right of refusal before a tender process is issued thus they are not put at a disadvantage with big operators from other countries who were allowed to flourish due to the size of their airport. We believe that their should be a minimum training requirement, quality of service, etc. We dont think that individual employees need any particular qualifications as long as the organisation has proper training methods, operation manuals, insurance and equipment as laid down by the European Business Aviation Association in the code of ethics for business aviation handling agents.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

The most important issue in Malta with regards to business aviation is the lack of a terminal. The issue is more one of infrastructure rather than legislation. Business and General Aviation should have security measures which are specific to the airline industry and are not similar to the airlines. Our members and users of Malta airport experience difficulties in view of the fact that the security procedures available to them are those available to the airlines, constituting in delays and arguments with security services providers, this however cannot be attributed to Directive 96/97 although perhaps the need to separate business, corporate, private and general aviation from the normal scheduled and charter airline traffic could be included in this directive especially once the directive allows for a different category of handling. It is of particular concern that this traffic who has different security checks is allowed to mix and mangle with the other passengers in lounges and terminal itself, although supervised most of the time it is very hard to ensure that passengers do not actually mix.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Definitely the longer the period of the contract the better the chance to recoup the investment. Especially in small airports like Malta where the total business/corporate, private and general aviation traffic was of 2940 movements in 2009, a period of 7 years is too short especially since for one to be able to provide a minimum of service the investment is very similar to an operator who has that amount of movement in a week.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

We feel that in airports where there are already 'supervisors', they should be given a first right of refusal before a tender process is issued thus they are not put at a disadvantage with big operators from other countries who were allowed to flourish due to the size of their airport.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

The airport operators must make space available to service providers of general aviation. While it is appreciated that in many airports including that of Malta space is restricted there should be a minimum space made available at a price which is reflective of the industry volume. Business and General Aviation can be put in competition with the big airline industry for space. Most service providers in this category are small/medium enterprises and if for a minimum of space they have to

sit an auction with the airlines they will never be successful in their bidding and as such should be protected.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Most importantly is that while the objective of the legislation was to liberalise the market there is only one airport operator per airport and as such they monopolise the airport they operate. At present this legislation offer no protection to the airport users. Most airports are becoming privatised, in Malta the airport is owned by Vienna international airport, and sometimes the fees charged for space makes any business venture impossible. Airport operators make more money eith high density traffic produced by airlines and consider business/general aviation a nuisance. High fees levied could be a way of keep these providers away, as most airline handling agents show little interest in this industry, then the airport operator would be free to provide the service itself charging whatever rates it likes at the detriment of the small operators. We feel that airport operators should not be allowed to supress a service provider from offering a service because they want to offer it.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

We feel that in airports where there are already 'supervisors', they should be given a first right of refusal before a tender process is issued thus they are not put at a disadvantage with big operators from other countries who were allowed to flourish due to the size of their airport.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Most importantly is that while the objective of the legislation was to liberalise the market there is only one airport operator per airport and as such they monopolise the airport they operate. At present this legislation offer no protection to the airport users. Most airports are becoming privatised, in Malta the airport is owned by Vienna international airport, and sometimes the fees charged for space makes any business venture impossible. Airport operators make more money eith high density traffic produced by airlines and consider business/general aviation a nuisance. High fees levied could be a way of keep these providers away, as most airline handling agents show little interest in this industry, then the airport operator would be free to provide the service itself charging whatever rates it likes at the detriment of the small operators. We feel that airport operators should not be allowed to supress a service provider from offering a service because they want to offer it. Airport operators must guarantee a minimum of space for business/private/corporate and general aviation service providers.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)



While environmental impact should not be taken lightly we believe the way to protect the environment is not by restricting the market as the lack of competition will inevitably lead to less restraint and abuse of the system no matter how well written or intentioned is any legislation. No businessmen will persevere in a business losing money year in year out. That said the market should be fully liberalised it self adjusting to the market. Take Malta as an example, I doubt anyone in his right mind would want to start a third airline handling irrespective of what the legislation says, the market simply does not justify it and the amount of growth in the foreseeable future is limited by a variety of factors Malta is not a hub, it is not along any major route, the size of the island, the size of the population, the amounts of beds available on the island, etc. etc. That said on the contrary business aviation is an emerging market in Malta and a healthy competition would ensure fair pricing and quality of service, it should also create jobs and in a way protect the environment, as no business aviation handler will meet a 6 seater business jet with a 70 passenger diesel bus.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Our opinion is that the market should be completely liberalised. The most audit checks required are to regulate the modus operandi of the airport operator since at any one airport it has no competition and can bully its users into submission. This legislation should recognise the need to have two categories of handling agents, those providing a service to airlines and those providing the service to the private/business/corporate and general aviation. It should also demand that passengers from these categories should not be allowed to mix for security reasons and should ensure that an adequate space is provided to this industry.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

In our opinion the the category of business and general aviation handling should be audited to the code of ethics published by the European Business Aviation Association for ground handling.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Our opinion is that the market should be completely liberalised. The most audit checks required are to regulate the modus operandi of the airport operator since at any one airport it has no competition and can bully its users into submission. This legislation should recognise the need to have two categories of handling agents, those providing a service to airlines and those providing the service to the private/business/corporate and general aviation. It should also demand that passengers from these categories should not be allowed to mix for security reasons and should ensure that an adequate space is provided to this industry.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Our opinion is that the market should be completely liberalised. The most audit checks required are to regulate the modus operandi of the airport operator since at any one airport it has no competition and can bully its users into submission. This legislation should recognise the need to have two categories of handling agents, those providing a service to airlines and those providing the service to the private/business/corporate and general aviation. It should also demand that passengers from these categories should not be allowed to mix for security reasons and should ensure that an adequate space is provided to this industry.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**European Express Association (EEA)**

Association/non-governmental organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The European Express Association (EEA) represents express delivery companies and associations, both large and small, in Europe. In the EU-27 alone, the express industry currently employs 250,000 people and delivers more than 450 million packages each year, constituting almost half of the intra-European air cargo market. It has been forecast that, by 2013, the express industry will employ 550,000 people in the EU-27. The EEA provides the express industry with a voice at both European and national levels to promote and protect the industry's interests and objectives in line with the needs of their customers. The EEA consists of four committees, which cover: Competition & Market Reform, Customs, Transport & Environment and Security. The EEA represents interest related to activities such as: logistics, cargo and freight. European policy areas of concern to the organisation include: trade negotiations, postal reform, environmental policy, transport policy (covering all modes: rail, road, rail, aviation and sea), customs and security related topics. Express companies operate a door-to-door integrated and inter-modal network. They use a mix of commercial airlines capacity, wet-leased, or chartered aircraft, as well as their own fleet. Airport ground handling is a crucial element in this network.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The Directive should allow both self- and third-party handlers the freedom of subcontracting ground handling activities, without any specific rules on the subcontracted services to be provided. Specific rules and the scope of responsibilities to be provided in respect of the subcontracted services should be a matter of negotiation between the airport user and ground handler. National regulators, should be informed of any subcontracted service by third-party handlers along with the identity of the subcontractor but should not be allowed to withhold or deny the use of a subcontractor or the subcontracting services. In any event, the airport would need to be informed about the identity of the subcontractor and subcontracting services to be provided if access to security sensitive areas (e.g. airside or transit area) is required. The EEA supports the principle of self-handlers and third-party handlers retaining primary and full liability for the performance of their subcontractors. Additionally, the subcontractor must demonstrate the required expertise and trained staff to perform all required subcontracting activities in line with quality, safety and security standards set by the contracting parties as well as safety and security requirements set by regulators. However, the EEA is of the view that these matters are currently sufficiently and effectively covered under the IATA ISAGO program (as discussed further below), and do not require specific rules under a new Directive.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Quality requirements should not be defined at EU level in the Directive but by airport users as agreed in the contract between airlines and their ground handlers. In this respect, it is important to point out that competition is the best way to ensure the appropriate level of quality. Moreover, EEA is satisfied that quality measures (e.g. training, environmental protection, safety etc) are currently effectively dealt with generally by the IATA Safety Audit for Ground Operations (ISAGO) program and specifically by an SLA attached to an IATA Standard Ground Handling Agreement (SGHA). IATA and the ground handling industry have agreed, through the development of the audit

standards for the IATA Safety Audit for Ground Operations (ISAGO) program, that proper qualification and training in all relevant areas for ground handling staff is essential and should be based on common and agreed protocols. All major ground handling companies (as well as many smaller players) are progressively submitting their numerous stations for the ISAGO audit. The EEA is satisfied that the ISAGO audit process is effective and provides a consistent standard that is acceptable throughout the world. Satisfying the requirements of the ISAGO Head Office Audit is an indication of a responsible company. This is another element that shows that regulatory intervention on quality is not required. The EEA does not feel that European-specific requirements would raise the quality standards, contribute to efficiencies or increase competition in the region. In addition, the Airport Authority / National regulator, in close collaboration with the users, should set the environmental requirements which would provide for standardisation and quality improvements.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

As indicated in the questionnaire, Directive 2001/23/EC regarding the safeguarding of rights of employees in the event of transfers of undertakings also applies to the ground handling sector. The EEA sees no need for the introduction of sector specific rules for the ground handling sector.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Obviously, most employee representatives will argue that working conditions always require improvement, but the EEA is not aware of any suggestion or evidence that the working conditions in the ground handling sector need specific attention or that a new Directive is the appropriate method to address an improvement in working conditions.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

There should be no obligation for airlines to be legally represented by a ground handler. If airlines wish to do so, they can already choose to be represented by a ground handler or other representative. In any case, many of the examples given (slots or financial commitments) are outside the scope of activity of a ground handler. The airline should continue to remain the main point of contact for customers / Member States. EEA submits that any Directive which suggests legal representation by a ground handler would, in fact, cause greater confusion and delays for the customer / Member State.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

No. The EEA would like to point out that the various reports prepared for the Commission found no link between safety/security concerns and market liberalization.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

This question is only relevant for a restricted market as the market would decide in case of full liberalization. As outlined in the answer to question (20), the EEA argues for a complete liberalization of the ground handling market at all airports. However, in cases of a restricted market, the EEA does not oppose the extension of the contract period (such as the suggested 10 years), however it would prefer licenses not being time constrained. The extension of the contract period would be welcome in particularly when the service provider is required to invest in expensive equipment, provided proper exit or termination clauses are in place to react to poor quality of

service and/or excessive prices. A longer contract period in such cases will allow the service provider better planning and the opportunity for lower unit costs. Lower unit costs will, in turn, help eliminate at least one entry barrier.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

The EEA supports the idea that the Airport User Committee should play a decisive role in the selection procedure of third-party handlers. This applies to both the definition of the selection criteria as well as the decision-making. The EEA also supports that justification is required if airports decide to deviate from the Airport User Committee (AUC) recommendations.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In general, it should be for airlines themselves to determine the best and most efficient ground handlers and ground handling services they choose to accept. There should be no artificial limitation of self-handlers and an airport user should always have the alternative to self-handle. This applies in particular to cargo and night express operations areas (see also answer to question (26)) where there are no demonstrated justifications for limiting the freedom to compete, in particular physical space constraints.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

The EEA submits that the criteria for assessing a fee for the use of airport installations should be based on the principles applied in the airport charges Directive 2009/12, i.e. transparency, cost-efficiency, cost-relatedness and consultation with airport users. The existing national regulator should monitor and approve installation fees as for airport charges, in line with the Directive.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

The EEA supports the introduction of such an independent authority similar to what exists for airport charges in Directive 2009/12.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

In cases of a restricted market, separation of accounts is absolutely necessary to ensure detailed transparency on the breakdown of charges. With a view to ensuring that the charges levied on an air carrier commensurate with the services provided, and that these services do not serve to finance other activities, the charges should be adopted and applied in full transparency. An external auditor should be used to verify compliance. However, one could argue that separation of accounts alone may not always be sufficient. In cases where the third-party handling market is restricted and, in particular, where an airport authority also provides ground handling services, a separate legal entity for such third-party handling services would be helpful. This separate legal entity should be subject to the same regulations as other entities performing third-party handling services at the same location to contribute to free and fair competition.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts?

Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Yes. The EEA supports all measures that promote transparency and lead to cost efficiencies.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

In line with the view that airports should have separate legal entities when they offer ground handling services, it is only natural that after so many years of application of the Directive, the bias in favor of handlers linked to the airport authority should disappear. There is absolutely no justification for favoring airports by allowing them to provide ground handling services without being subject to the same selection procedure as other service providers.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The EEA is opposed to the auctioning of airport premises. If potential traffic development at the airport demands additional capacity, then the airport, with input from the airport users, should take action to provide additional capacity based on a solid business case. Airports must not be allowed to abuse their dominant, monopolistic position to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities, including ground handling. Amsterdam Schiphol has partly solved the problem of ground equipment storage by providing minimum but sufficient ground service equipment and charging handlers a reasonable price per hour for its use. Airports should not be able to restrict handlers purely because ground service equipment storage space is restricted.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See (18) above.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

In general, harmonization would reduce protectionism and aid simplification in the ground handling market. The ground handling market, like any commercial activity, should however be harmonized by making it completely liberalized. Studies and experience from other regions of the world show that competition brings quality, lower price and employment, without material detriment to safety or security. Should there be rare cases where it is not possible to achieve full freedom in the ground handling market, freedom should be treated as the rule and restriction as an exception. This means that the number of ground handlers should not be limited, but open everywhere (except where there are objective and proven reasons to restrict the access to ground handling services such as congestion, security or safety reasons, however even in such instances, restrictions should be limited). In particular, EEA submits that there should be a full liberalization of the cargo area and/or the night operations where there are no demonstrated reasons for limiting the freedom to compete. Express companies operate a door-to-door integrated and inter-modal network. They use a mix of commercial airlines capacity, wet-leased, or chartered aircraft, as well as their own fleet. Express operators should, notwithstanding the level of liberalization, be free to handle, with no limitations, any aircraft carrying shipments under an express operator's airway bill, whatever the contractual relationship between the express company and the supplier of air services.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

See response at question (20) above. At the very minimum, there should be full liberalization of the cargo area and there should be no regulatory restrictions on integrators to handle aircraft carrying their shipments. If full liberalization of other services is not considered possible at this point in time, there should be a staggered approach to increase the minimum number of handlers at each airport, as well as a dilution of airport market power where the airport offers handling services.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

The EEA supports the application of the Directive to all airports irrespective of their traffic volume. However, if a threshold is to be applied then once an airport has reached that level of traffic and the requirements of the Directive are applicable to it, then such an airport should remain a regulated airport until such time as it could be reasonably and objectively determined that the fall in traffic is of a long-term nature and is not due to a short-term crisis (as witnessed during the current economic downturn). For this purpose, and to provide assurances to current and potential ground handling service providers and airlines, the EEA recommends that a 3 year observation period be stipulated to determine objectively the nature of the fall in traffic. Similarly, the EEA does not object to airports not being considered as reaching a threshold when traffic increase is due to a one off event such as a major sporting or cultural event.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

See EEA's response to questions (20) and (21) above. For very big airports, the regulatory limitation of the ground handling market as allowed for by Directive 96/67/EC can not be justified.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

The EEA does not support regulation setting standards for quality and training. Quality measures should be defined in Service Level Agreements (SLAs) between airlines and their service providers and not by regulation. Moreover, for self-handlers this would be impracticable and irrelevant as it is up to airline itself to determine its own quality requirements (subject always to aviation rules and regulations). In addition, IATA's ISAGO program, which requires ground handlers to demonstrate conformity with 300+ standards, promotes safety, efficiency, training and personnel management practices, and environmental compliance, is already being widely used throughout the world. Moreover, in cases where ISAGO would not be operational, quality, safety and security management systems can be implemented via other certification programs such as ISO.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

See EEA's response to question (24) above.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

The EEA is in favor of the widest possible definition of self-handling. In any case, if the market would be liberalized (our preferred option) this question would be irrelevant. At the very least, express operators should, notwithstanding the level of liberalization, be free to handle, with no limitations, any aircraft carrying shipments under an express operator's airway bill, whatever the contractual relationship between the express company and the supplier of air services.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

There should be a full liberalization of the cargo area and/or the night operations where there are no demonstrated reasons for limiting the freedom to compete. Express companies operate a door-to-door integrated and inter-modal network. They use a mix of commercial airlines capacity, wet-leased, or chartered aircraft, as well as their own fleet. Therefore, at the very least, express operators should, notwithstanding the level of liberalization, be free to handle, with no limitations, any aircraft carrying shipments under an express operator's airway bill, whatever the contractual relationship between the express company and the supplier of air services.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

The EEA supports bringing the definition in line with the IATA Standard Ground Handling Agreement.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

The EEA considers that any fee for the use of centralized infrastructure should be subject to a set of minimum, transparent criteria. Since the introduction of the ground handling Directive, airlines have, at a number of European airports, experienced new charges for the so-called "centralized infrastructure" which were previously already covered by other charges (and which have not been dropped or lowered). This development has been particularly typical for airports which have lost their handling monopoly and appear to be trying to collect additional revenue for services which have already been paid for.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

All aspects of self handling for integrators should be permissible by any organisation under common control with the airline e.g. a sister or daughter company of the integrator should be able to provide self handling services to the integrator's airline as they are under ultimate common control.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

The EEA would be pleased to co-operate with the study team to try to provide additional information. In the meantime, we refer to a comparative study on ground handling prices between the European Economic Area and the U.S. where the market is liberalized. This study was undertaken by SH&E at the request of the EEA. The main conclusions are striking: - With few exceptions, prices in Europe are significantly higher than in the U.S. (between 63 and 198% higher depending on the aircraft type). - Price variability between airports in Europe is also considerably higher than in the U.S.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Belgian Airfreight Institute BAFI**

Association/non-governmental organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The freight forwarders do not have the free choice of the handler. It is the airline who is subcontracting parts of the job to handlers. Only the enduser will pay the bill. The more the market will become open the better it will be for the quality of service and the price.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Access to the profession should be licensed by the governments (not the airports), but should be open to all candidates in compliance with the standards

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

A combination of all this should become mandatory. SLA's must become the general rule with official measurement and public communication of the results.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Whenever a handling company should have difficulties in surviving it is not the fault of the industry, but it will be better that this company disappears. Its place will be taken over anyhow and most of the 'lost' jobs will be taken over too. This may not become mandatory for the newcomer.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

We do not want to be involved in this matter but we agree it can become an issue for the Trade Unions.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

This is a topic of high importance. We would appreciate more transparency of the airport about the incidents/accidents

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

The length in time of the contract itself is not of the highest priority. We understand each Cy must budget its investments and a return is not always possible on short term. It is more important that possibility exists to withdraw a license and thus stop the contract whenever the handler is not performing any longer like described in the standards.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

The decision may not be in the hands of only the airport operator. The users (direct and indirect) must be consulted. Whenever a (negative) decision has been taken it must be motivated and presented to those users before.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

no difference made- same criteria for the license, BUT part of those criteria possibly are not needed for individual selfhandlers. This option must remain open.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

What is the definition of "reasonable profit"? We know that each Cy has to make profit, but airports must be in line with the competition, if not possible in the same country there must be an official benchmark with similar airports. This process must be transparent.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Each supplementary party will slow down the process and increase the cost.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

There should be a public reporting, again more transparency. Many handlers have side-activities where separate licenses are needed, but tolerated by airport operator. This should be made impossible and controlled by an independent examiner.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Indeed

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

If the operator has the intention to operate also as a handlers the standars must be the same and the activities must be separated so that a public audit is possible to avoid unlawfull competition

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

This can become an issue. Not yet a problem at Brussels airport

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

The spirit of the EU directive is oepning the market. All companies having the possibilities and having obtained the needed licenses should be allowed to candidate. Only the fittest will survive, but this is the rule when doing business. The more companies the more possibilities, the more jobs will be created

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

There are still states protecting their own interests. When a handler has proved its capacities in one country and having obtained the licenses it should be possible to perform in all EU states

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

There will be only advantages for the customers. The disadvantages will be there where now companies are protected or still operating under low quality performance but where no other choice is possible. Maybe those companies will dissappear but this is a good result.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Again: definition of "big airport"? In tons of freight, in pax? Both? Movements? Kind of aircrafts? There must be set up clear criteria. Maybe licenses should be splitted: specializing possibilities for cargo handling, bagage, post, e.g.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

As said before it must all be harmonized: one license for the EU!

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

All activities controlled by the flightnumber holder should be priority.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

A cy selfhandling who will lease an ac for own operation Integrators should have the right to selfhandle all flights of their own network.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Forwarding activities is an activity licensed in Belgium. This should also being controlled and groundhandlers nor airlines should not perform those activities if not separated and fully controllable.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

This can become an competition issue indeed. In fact a third party would be necessary (arbitrage)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Deutsche Post DHL**

Freight integrator

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Deutsche Post DHL is the world's leading logistics group. The Deutsche Post and DHL corporate brands offer a one-of-a-kind portfolio of logistics (DHL) and communication (Deutsche Post) services. The Group offers its customers easy to use standardized products as well as innovative and tailored solutions - from dialog marketing to industrial supply chains. With about 500,000 employees in more than 220 countries and territories form a global network focused on service, quality and sustainability. The Group accepts its social responsibility by supporting climate protection, disaster management and education. The Group generated revenue of more than 54 billion euros in 2008. Within the Group, DHL Express operates a door-to-door integrated and inter modal network. It uses a mix of commercial airlines capacity, wet leased, or chartered aircraft, as well as its own fleet. Airport ground handling services are a crucial element in this network.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The Directive should allow both self- and third-party handlers the freedom of subcontracting ground handling activities, without any specific rules on the subcontracted services to be provided. Specific rules and the scope of responsibilities to be provided in respect of the subcontracted services should be a matter of negotiation between the airport user and ground handler. National regulators, should be informed of any subcontracted service by third-party handlers along with the identity of the subcontractor but should not be allowed to withhold or deny the use of a subcontractor or the subcontracting services. In any event, the airport would need to be informed about the identity of the subcontractor and subcontracting services to be provided if access to security sensitive areas (e.g. airside or transit area) is required. Deutsche Post DHL supports the principle of self-handlers and third-party handlers retaining primary and full liability for the performance of their subcontractors. Additionally, the subcontractor must demonstrate the required expertise and trained staff to perform all required subcontracting activities in line with quality, safety and security standards set by the contracting parties as well as safety and security requirements set by regulators. However, Deutsche Post DHL is of the view that these matters are currently sufficiently and effectively covered under the IATA ISAGO program (as discussed further below), and do not require specific rules under a new Directive.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Quality requirements should not be defined at EU level in the Directive but by airport users as agreed in the contract between airlines and their ground handlers. In this respect, it is important to point out that competition is the best way to ensure the appropriate level of quality. Moreover, Deutsche Post DHL is satisfied that quality measures (e.g. training, environmental protection, safety etc) are currently effectively dealt with generally by the IATA Safety Audit for Ground Operations (ISAGO) program and specifically by an SLA attached to an IATA Standard Ground Handling Agreement (SGHA). IATA and the ground handling industry have agreed, through the development of the audit standards for the IATA Safety Audit for Ground Operations (ISAGO) program, that proper qualification and training in all relevant areas for ground handling staff is essential and should be based on common and agreed protocols. All major ground handling companies (as well as many smaller players) are progressively submitting their numerous stations for the ISAGO audit. Deutsche

Post DHL is satisfied that the ISAGO audit process is effective and provides a consistent standard that is acceptable throughout the world. Satisfying the requirements of the ISAGO Head Office Audit is an indication of a responsible company. This is another element that shows that regulatory intervention on quality is not required. Deutsche Post DHL does not feel that European-specific requirements would raise the quality standards, contribute to efficiencies or increase competition in the region.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

As indicated in the questionnaire, Directive 2001/23/EC regarding the safeguarding of rights of employees in the event of transfers of undertakings also applies to the ground handling sector. Deutsche Post DHL sees no need for the introduction of sector specific rules for the ground handling sector.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Obviously most employee representatives will argue that working conditions always require improvement, but Deutsche Post DHL is not aware of any suggestion or evidence that the working conditions in the ground handling sector need specific attention or that a new Directive is the appropriate method to address an improvement in working conditions.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

There should be no obligation for airlines to be legally represented by a ground handler. If airlines wish to do so, they can already choose to be represented by a ground handler or other representative. In any case, many of the examples given (slots or financial commitments) are outside the scope of activity of a ground handler. The airline should continue to remain the main point of contact for customers / Member States. Deutsche Post DHL submits that any Directive which suggests legal representation by a ground handler would, in fact, cause greater confusion and delays for the customer / Member State.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

No. Deutsche Post DHL would like to point out that the various reports prepared for the Commission found no link between safety/security concerns and market liberalization.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

This question is only relevant for a restricted market as the market would decide in case of full liberalization. As outlined in the answer to question (20), Deutsche Post DHL argues for a complete liberalization of the ground handling market at all airports. However, in cases of a restricted market, Deutsche Post DHL does not oppose the extension of the contract period (such as the suggested 10 years), particularly when the service provider is required to invest in expensive equipment, provided proper exit or termination clauses are in place to react to poor quality of service and/or excessive prices. A longer contract period in such cases will allow the service provider better planning and the opportunity for lower unit costs. Lower unit costs will, in turn, help eliminate at least one entry barrier.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Deutsche Post DHL supports the idea that the Airport User Committee should play a decisive role in the selection procedure of third-party handlers. This applies to both the definition of the selection criteria as well as the decision-making. Deutsche Post DHL also supports that justification is required if airports decide to deviate from the Airport User Committee (AUC) recommendations.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In general, it should be for airlines themselves to determine the best and most efficient ground handlers and ground handling services they choose to accept. There should be no artificial limitation of self-handlers and an airport user should always have the alternative to self-handle. This applies in particular to cargo and night express operations areas (see also answer to question (26)) where there are no demonstrated justifications for limiting the freedom to compete, in particular physical space constraints.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Deutsche Post DHL submits that the criteria for assessing a fee for the use of airport installations should be based on the principles applied in the airport charges Directive 2009/12, i.e. transparency, cost-efficiency, cost-relatedness and consultation with airport users. The existing national regulator should monitor and approve installation fees as for airport charges, in line with the Directive.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Deutsche Post DHL supports the introduction of such an independent authority similar to what exists for airport charges in Directive 2009/12.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

In cases of a restricted market, separation of accounts is absolutely necessary to ensure detailed transparency on the breakdown of charges. With a view to ensuring that the charges levied on an air carrier commensurate with the services provided, and that these services do not serve to finance other activities, the charges should be adopted and applied in full transparency. An external auditor should be used to verify compliance. However, one could argue that separation of accounts alone may not always be sufficient. In cases where the third-party handling market is restricted and, in particular, where an airport authority also provides ground handling services, a separate legal entity for such third-party handling services would be helpful. This separate legal entity should be subject to the same regulations as other entities performing third-party handling services at the same location to contribute to free and fair competition.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Yes. Deutsche Post DHL supports all measures that promote transparency and lead to cost efficiencies.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

In line with the view that airports should have separate legal entities when they offer ground handling services, it is only natural that after so many years of application of the Directive, the bias in favor of handlers linked to the airport authority should disappear. There is absolutely no justification for favoring airports by allowing them to provide ground handling services without being subject to the same selection procedure as other service providers.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Deutsche Post DHL is opposed to the auctioning of airport premises. If potential traffic development at the airport demands additional capacity, then the airport, with input from the airport users, should take action to provide additional capacity based on a solid business case. Airports must not be allowed to abuse their dominant, monopolistic position to set arbitrarily high land values and rentals for premises that are provided for aeronautical and related activities, including ground handling. Amsterdam Schiphol has partly solved the problem of ground equipment storage by providing minimum but sufficient ground service equipment and charging handlers a reasonable price per hour for its use. Airports should not be able to restrict handlers purely because ground service equipment storage space is restricted.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See (18) above.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

The ground handling market, like any commercial activity, should be harmonized by making it completely liberalized. Studies and experience from other regions of the world show that competition brings quality, lower price and employment, without material detriment to safety or security. Should there be rare cases where it is not possible to achieve full freedom in the ground handling market, freedom should be treated as the rule and restriction as an exception. This means that the number of ground handlers should not be limited, but open everywhere (except where there are objective and proven reasons to restrict the access to ground handling services such as congestion, security or safety reasons, however even in such instances, restrictions should be limited). In particular, Deutsche Post DHL submits that there should be a full liberalization of the cargo area and/or the night operations where there are no demonstrated reasons for limiting the freedom to compete. Express companies operate a door-to-door integrated and inter-modal network. They use a mix of commercial airlines capacity, wet-leased, or chartered aircraft, as well as their own fleet. Express operators should, notwithstanding the level of liberalization, be free to handle, with no limitations, any aircraft carrying shipments under an express operator's airway bill, whatever the contractual relationship between the express company and the supplier of air services.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

See response at question (20) above. At the very minimum, there should be full liberalization of the cargo area and there should be no regulatory restrictions on integrators to handle aircraft carrying



their shipments. If full liberalization of other services is not considered possible at this point in time, there should be a staggered approach to increase the minimum number of handlers at each airport, as well as a dilution of airport market power where the airport offers handling services.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Deutsche Post DHL supports the application of the Directive to all airports irrespective of their traffic volume. However, if a threshold is to be applied then once an airport has reached that level of traffic and the requirements of the Directive are applicable to it, then such an airport should remain a regulated airport until such time as it could be reasonably and objectively determined that the fall in traffic is of a long-term nature and is not due to a short-term crisis (as witnessed during the current economic downturn). For this purpose, and to provide assurances to current and potential ground handling service providers and airlines, Deutsche Post DHL recommends that a 3 year observation period be stipulated to determine objectively the nature of the fall in traffic. Similarly, Deutsche Post DHL does not object to airports not being considered as reaching a threshold when traffic increase is due to a one off event such as a major sporting or cultural event.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

See Deutsche Post DHL's response to questions (20) and (21) above. For very big airports, the regulatory limitation of the ground handling market as allowed for by Directive 96/67/EC can not be justified.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Deutsche Post DHL does not support regulation setting standards for quality and training. Quality measures should be defined in Service Level Agreements (SLAs) between airlines and their service providers and not by regulation. Moreover, for self-handlers this would be impracticable and irrelevant as it is up to airline itself to determine its own quality requirements (subject always to aviation rules and regulations). In addition, IATA's ISAGO program, which requires ground handlers to demonstrate conformity with 300+ standards, promotes safety, efficiency, training and personnel management practices, and environmental compliance, is already being widely used throughout the world. Moreover, in cases where ISAGO would not be operational, quality, safety and security management systems can be implemented via other certification programs such as ISO.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

See Deutsche Post DHL's response to question (24) above.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Deutsche Post DHL is in favor of the widest possible definition of self-handling. In any case, if the market would be liberalized (our preferred option) this question would be irrelevant. At the very least, express operators should, notwithstanding the level of liberalization, be free to handle, with no limitations, any aircraft carrying shipments under an express operator's airway bill, whatever the contractual relationship between the express company and the supplier of air services.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

There should be a full liberalization of the cargo area and/or the night operations where there are no demonstrated reasons for limiting the freedom to compete. Express companies operate a door-to-door integrated and inter-modal network. They use a mix of commercial airlines capacity, wet-leased, or chartered aircraft, as well as their own fleet. Therefore, at the very least, express operators should, notwithstanding the level of liberalization, be free to handle, with no limitations, any aircraft carrying shipments under an express operator's airway bill, whatever the contractual relationship between the express company and the supplier of air services.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Deutsche Post DHL supports bringing the definition in line with the IATA Standard Ground Handling Agreement.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Deutsche Post DHL considers that any fee for the use of centralized infrastructure should be subject to a set of minimum, transparent criteria. Since the introduction of the ground handling Directive, airlines have, at a number of European airports, experienced new charges for the so-called "centralized infrastructure" which were previously already covered by other charges (and which have not been dropped or lowered). This development has been particularly typical for airports which have lost their handling monopoly and appear to be trying to collect additional revenue for services which have already been paid for.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

All aspects of self handling for integrators should be permissible by any organisation under common control with the airline e.g. a sister or daughter company of the integrator should be able to provide self handling services to the integrator's airline as they are under ultimate common control.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Deutsche Post DHL would be pleased to co-operate with the study team to try to provide additional information. In the meantime, we refer to a comparative study on ground handling prices between the European Economic Area and the U.S. where the market is liberalized. This study was undertaken by SH&E at the request of the European Express Association (EEA). The main conclusions are striking: - With few exceptions, prices in Europe are significantly higher than in the U.S. (between 63 and 198% higher depending on the aircraft type). - Price variability between airports in Europe is also considerably higher than in the U.S.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**IAHA European Regional Group**

Handling company or handling companies' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Our members are companies whose primary business is ground handling. According to the governing rules of IAHA Europe, a key objective is to widen market opportunities for independent handlers by ensuring a level playing field vis-à-vis airline and airport handlers.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

- It is essential for fair competition that the current restrictive definition of self-handling is upheld and not circumvented by subcontracting. Consequently self-handlers should not be allowed to subcontract;- As airlines which are dominant at home and airports hold captive markets whenever they offer third party handling services, subcontracting should not be allowed. Otherwise the contestable market (open for competition) will shrink further;- For companies whose primary business is handling, sub-contracting should be allowed. For restricted services, selections are intuitu personae. The choice is made in consideration of the specific merits of the selected handler. Subcontracting by the main contractor should be allowed, however, if the intuitu personae selection conditions of the main contractor are safeguarded. The main contractor remains fully liable.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

- Quality standards are contractual agreements between airline customers ( different requirements from scheduled, low cost, regional, charter airlines...) and their handling suppliers. A stronger enforcement role for quality standards by airports would increase conflicts of interest in case airports are handlers themselves. It might distort further competition to the detriment of core business handlers. Best practice and benchmarking may be promoted within the EU Sectoral Dialogue. The current directive does not prevent selection nor approval processes from including minimum quality standards ( e.g. for the proper functioning of individual airports). Basic minimum quality standards ( applicable to self-and all third party handlers ) may be established for licenses and tenders by the appropriate independent authorities.- If there is a need for harmonization or regulation to protect and improve the safety of ground operations, this development should take place in bodies specialized in safety management ( e.g. EASA, ICAO, IATA ASG, IAHA Ground Handling WG). With safety as top priority for all stakeholders, this topic should not be confused with social policy aspirations.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

- In case a handling company is sold, workers benefit from Directive 2001/23 on safeguarding employees' rights in the event of transfers of undertakings. A different situation arises in case one handler is substituted by another following a public tender or loses airline contracts to a competitor ( transfers of staff ). The EU Court ruled twice that national laws may not oblige the new handler to take over the workers from the previous employer nor at the previous contract conditions, because otherwise the fundamental policy objective of the directive (liberalization and competition) would be undermined. German law as adjusted accordingly may serve as reference : "Handling suppliers

and self-handlers will do their best to cover their needs of staff by hiring persons which exercised such relevant activities at the airport immediately prior to the start of the new handler". Note that the German rule is discriminatory, however, as it refers only to staff taken over from the airport, not from other handlers. This needs to be rectified in view of ensuring equal market conditions. Experience shows that a new handler has an own interest in hiring qualified and experienced staff which has become available. - As is the practice in some Member States, staff which is dedicated to handling a specific airline, may be transferred to the new handler in case it wins this contract.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

When licenses are awarded or approval given to operate as self- or third party handler in an airport, there should be guaranteed offices, dressing room facilities and apron spaces already available which are capable of absorbing the additional requirements.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Airlines should be represented either by their own personnel or the handling agent to ensure that all issues that need to be addressed locally are resolved efficiently. Legal responsibility and liability shall remain with the airline unless agreed otherwise.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Our members have not experienced safety/security problems resulting from the ground handling directive. If risks have arisen, it is due to increased congestion, quicker turn around times etc. It should be clarified that safety is an integral part of the handling job while security measures are of public interest and costs should be borne by the public purse. Members have experienced disproportionately long delays for staff approval on security grounds.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

7 years should not be the maximum but the minimum to justify the necessary investments in human resources ( training etc ), in equipment and for building up a loyal customer portfolio. It should be allowed to extend the selection up to 10 years.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

- EU procurement principles : Apply as benchmarking the normal EU procurement rules and relevant EU Court case-law as the simple reference to unspecified ad hoc rules renders any review of selection decisions ( by national courts/ public authorities, Commission) impossible as shown in EU/national practice. Key selection criterion should be the economically most advantageous offer as defined under EU procurement rules. It means that the lowest price is not the sole selection criterion, but criteria include other factors such as quality and environmental characteristics, technical merit, financial stability guaranteeing that the proper supply of services over the contract period,....We draw particular to handling equipment not being used as a market access barrier ( as happens unfortunately) : Candidates should prove only that they have access to the necessary ground handling equipment whether owned, rented or leased... - Award criteria : A major source of litigation concerning selection decisions has been the weighting of the various award criteria. As indicated, the directive does not at all clarify which are the criteria to be used for the actual selection nor oblige the tendering body to clarify in advance the weight attributed to the different criteria. It is, therefore, very difficult (if not impossible) for an unsuccessful bidder to dispute the

decision in court. It should be stipulated that, in line with the public procurement directives, all award criteria must be expressly mentioned, where possible in descending order of importance, so that operators are aware of their existence and scope. Fundamental principles of Community law require indeed : ” - A transparent and objective approach : All participants must be able to know the applicable rules in advance and must have the certainty that these rules apply to everybody in the same way ; - Contract award decision : It is important that ...the principles of non-discrimination and equal treatment are fully respected...” - Social and labour considerations : Experience shows that social stability plays a key factor for selecting a given handler. While Directive 96/67/EC aims at reducing handling costs for airlines and increasing service quality, these criteria are mostly not decisive for the award decision. In the German tenders, the workers’ committees are consulted in the same way than the Airport Users Committee and airport management. Consultation of workers’ committees is not foreseen by Directive 96/67/EC. The Commission refused to dispute this as being contrary to the directive. In the interest of all stakeholders and legal security, we insist that the Commission finally adopts a position on the Portuguese case. The Portuguese decree implementing Directive 96/67/EC stipulates that for the tender selection the acceptance by the incoming handler to take over staff from the incumbent, will be the preferential selection criterion. We question whether this provision is compatible with the directive’s objectives. - Impose a proper motivation of selection decisions : The Commission’s Interpretative Communication on fundamental principles relating to contract awards stresses that “ ...effective judicial protection of the rights they ( individuals) derive from the Community legal order...is one of the general principles of law stemming from the constitutional traditions common to the Member States.... To allow for an effective exercise of the right to such a review, contracting entities should state the grounds for decisions which are open to review either in the decision itself or upon request after communication of the decision.” Only substantive arguments for the selection / non selection of the different bidders allow judicial review in view of assessing whether the winner(s) were not chosen on the basis of a biased application and weighting of the selection criteria. All applicants should be given access to expert opinions referred to in the official selection decisions. Rights of appeal should be improved as the present national practice ( essentially via normal court procedures ) is unsatisfactory. It is suggested to promote conciliation bodies such as, for instance, the Vergabekammern in Germany which review tenders under EU procurement rules.- Users Committees should only play an advisory role but not have a decisive role for a number of reasons. The dominant carrier has too much weight considering also that many other airlines present at the airport show no interest or lack authority from their head offices.To gain votes candidates are put under pressure by airlines to offer pre-bidding price offers.The directive should explicitly limit the weight of the dominant carrier in the Users Committee voting process.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

It should be guaranteed that self-handlers meet the same service level and access conditions than other handling suppliers.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

- The prime benchmarking should be the actual costs which handler access to the various airport installations occasions to the airport. A revised directive should impose therefore a cost-related criterion. Any profit margin on top (accepted as legitimate by the EU Court of Justice /ECJ ) must be reasonable as it would amount otherwise to abuse of a dominant position by airports. - Transparency criterion : In case C-181/06 ANA Portugal the ECJ ruled that this criterion is “satisfied only if the national law contains a clear exposition of the services provided by the airport and a precise definition of the method of calculating the relevant fee.” A revised directive should stipulate this basic requirement for national implementations.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations’ fees/charges (including for centralized infrastructures’ fees and

charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

In line with our response to question 13, the compliance with the cost-related and transparency criteria should be controlled, especially in case of complaint, by a duly independent authority.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Airports should legally unbundle and publish separate accounts for handling and be prevented from using their other commercial services' income for cross-subsidisation in line with the Commission decision in the Charleroi / Ryanair state aid case. Indeed, for handling airports face competition while they derive monopoly income from their other activities. This places them in a different situation from core business handlers which do not benefit from any monopoly activities for cross-subsidising. Even if such handlers are owned by holdings active in other sectors, there is no monopoly income.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Presently we miss any Commission scrutiny of independent examiners' activities under the existing directive. For a start this national information should be gathered and published. The need for further measures will then be easier to assess.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

The present directive's key driver are independent handlers which have allowed to offer finally genuine choice and break up dominant positions by airport and/or dominant local airline handlers. All studies supported e.g. by the Commission and European Parliament have concluded that the open ( contestable ) market as opposed to captive handling markets remains ( too ) limited. Any measures to improve the level playing field between all types of handlers should be paramount therefore. All including airport handlers/their subsidiaries should be subject to equal selection conditions ( e.g. tenders ) which require, however, that genuinely independent bodies take the appropriate decisions on transparent grounds.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Airport space is naturally limited so an efficient airport functioning allows de facto only a limited number of handlers. Our Association opposes auctioning which would amount to access royalty fees for the airports which have been condemned by the ECJ. The following principles should prevail : To grant market access ( in fully liberalised airport ), the real capacity must be considered before authorising new operators. The minimum necessary space must be available and be guaranteed to the handler. Afterwards, space allocation should be based on the evolving market share of the different handlers present at an airport. For environmental and other reasons the sharing of equipment may be encouraged where appropriate.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

The minimum number of airside handlers should depend on the actual market size open to competition, i.e. after deducting the share self-handled by the dominant local carrier/handling provided by it to its alliance partners. Increased market access presupposes, however, that equal

conditions of competition are finally established between all types of handlers such as selection / duration and conditions imposed by the airport managing bodies. This includes, in particular, imposing on self handlers the same obligations (quality, GSE, training etc) that apply to third party handlers

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Our above responses suggest that the existing EU legal framework remains valid but the rules for accessing and operating in the market in a fair and equal way need to be clarified and strengthened in a revised directive ( see our proposals ). Consequently further harmonisation ( EU wide common rules ) for key principles is needed. There is a growing consensus that liberalisation based on traffic volumes is inappropriate. What counts is the actual market volume in which undistorted and economically sustainable competition between self-and third party handlers can work.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Our Association does not promote a full opening of the market but a level playing field between all types of handlers. The national labour conditions remain too different for imposing a full market opening across Europe. For our Association a prerequisite is anyway the imposition of a level playing field between all types of handlers. This should drive the market to its optimum functioning within the combined application of a (revised) directive and proper enforcement of competition law ( which has not been the case since entry into force of the directive ).

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

See our response to question 19.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

See previous response.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

No need for change in our views. The “better regulation” agenda requires to decrease, not to increase administrative burdens. There is clearly no case for envisaging any EU certification procedure.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

See answer to previous question.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

As explained above, it is vital not to dilute the strict self-handling definitions as this would but increase captive markets. In some countries, the present definition has been circumvented by airlines concluding contracts for other services ( e.g. management tasks ) than the (direct ) provision of the handling services as such. Our Association requests, therefore, to tighten the

definition in article 2 (f) by stipulating :”....concludes no contract of any description with a third party [for the provision of such services]...”

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

We see a risk of creating artificial distinctions and separate licensing needs.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

As indicated, the real issue to be addressed is the charging by airports of centralized infrastructures which tends to be excessive ( abuse of monopoly ) and/or distorts competition by applying different rates to different types of handler.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Our responses show that the key challenge is to prevent unfair practices which distort competition between different types of handler. The most effective remedy would be to oblige airports and airlines which wish to offer handling to third parties, to establish separate companies for this specific activity within the supply chain. As handling plays a major role for the proper and safe functioning of air transport, it should not be considered as an ancillary activity but be qualified as a core business. This would help inefficient handlers (it appears that various airport handlers are making losses for years ) leaving the market.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

It is difficult to collect precise market data on handling. For our members the present situation is characterised by ongoing airline pressure to reduce further and further prices while faced with trade-union pressure for increased wages. It appears impossible to forecast with any precision what the impacts of hypothetical regulatory modifications would mean for individual companies.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Servisair UK Limited**

Handling company or handling companies' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Servisair UK Limited is an operating company within a Global Ground Handling organisation and manages operations in the United Kingdom and other Territories within Europe.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Sub-contracting should be regulated by the governing airport authority through local licence and by-laws. The governance of such sub-contracting should be based on standard criteria that take into account security, safety and environmental impacts, as well as individual airport criteria relating to accommodation and apron space restrictions. Any sub-contracting activity should be visible and/or transparent to the airport community to demonstrate ability to meet service expectations and adherence to operating procedures of the local airport. In order to remain competitive within the market it is important that the ability to subcontract remains but that the participants remain subject to an objective quality standard that is not in the sole domain of the airport owner or the airlines. Minimum levels of insurances, training, delivery and management capability and "fitness to operate" should be set. The primary responsibility should remain with the company that effects the sub contract but liability should be joint and several to ensure appropriate supervision of subcontracted services to maintain quality levels.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Basic performance standards should be set out in the ground handling "licence" as agreed between the airport and AUC to ensure compliance in safety, security and environmental requirements. There should be a minimum requirement regarding training only being delivered by trainers with a recognized external qualification and all training programmes to comply with the various statutory regulations. The inherent basic cost of compliance with such standards should be recognized and identified as underpinning the cost of services to the airports and the airport users. Operating performance requirements and service level agreements should be agreed and measured between the airline and the ground handler.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

The scope of introducing specific measures regarding transfer of staff is required within the directive as Transfer of Undertaking and Protection of Employment (TUPE) legislation will be complied with in accordance to UK Employment Laws but its application should be consistent across the EU.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The obligation to provide Minimum standards of accommodation and working environments should be designated to be the responsibility of the airport. Capital expenditure ratios should be monitored and the cost borne by the airport operator. Transparency in accounting should be utilized to ensure that improvement costs to achieve minimum standards are not simply passed back to tenants and occupiers of the accommodation. These cost form as fundamental a part of the overall costs of operating an airport as should the environmental impact of the business itself. Due to the diversity of local airports, specific improvements would be difficult to regulate within the directive, however the directive should recommend a tri-partied approach between the airport authority, airlines and ground handlers, to drive improvements in working conditions.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

The overreaching activities contained within “ground handling” is central to the operation of airports and should be recognized within the structure of the industry and regulation should require their active representation within airport user bodies. However, unless full authority is delegated to ground handlers it is inappropriate that they should be asked to discharge the responsibilities of the airline at a local level. Airline representation by ground handlers is capable of delivery and is incorporated in certain service level agreements for specific activities. It may be more effective for the operating airlines to arrange representation through an appointed and airline funded organization at each airport.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

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(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

The current maximum permitted length of 7 years is not adequate to enable a sufficient stream of revenue to justify the optimum level of investment by ground handlers. Extension of this period would have positive effects on achievable service levels. However, the existing failure of airports to grant and maintain Ground Handling licences for seven year periods significantly hinders longer term investment by ground handlers. Currently most GH licences are terminable after one year or upon nine months notice. Airline ground handling contracts are usually terminable upon 60 days notice, reflecting huge short term variations in route planning and excessive chasing of sustainable market share and capacity by airline operators. Alternatively - an open market approach would be facilitated if having approved an applicant for an airport then the “licence” itself would only be terminable for failure to achieve continuing compliance with the accreditation standards, existing legislation etc

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

The participation in self handling by airports and airlines places a material barrier to entry to the market and a significant potential for a conflict of interest in the award of ground handling licences for, and the award of, operating contracts to independent ground handlers and continues to be a material but not transparent barrier to entry to capable existing operators .

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

The objective and transparent requirements and criteria within any process for tender selection should be applied to both self-handling and third party handling operators and airlines. . Applying the same definitions and criteria to all parties would ensure a level playing field for the ability to operate within the relevant airport..

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Objectivity in assessing the “reasonableness” of fees should be encouraged. Payment for the value delivered for which the fees are levied should be the basis of all charges levied by airport operators. Fees levied for access to airports simply create a barrier to entry and serve to reallocate costs to ground handlers, other Airport Users and ultimately to the traveling passenger, since additional arbitrary costs cannot simply be absorbed by the ground handlers, operators and Airport Users. The creation or continuation of such practices simply passes the real cost of operating the airport facilities further down the vertical chain of service supply. Such fees are not usually commensurate with the value of the service provided by the airport operator and acts to differentiate the airport environment from open market comparisons for similar functions e.g. baggage handling, postal services, express freight delivery, freight forwarding and transportation parking etc. outside the airport environment. If fees are permitted then, any fee for access to the airport installations should be applied across all airport operators (caterers, fuellers etc) including functions provided by the airport companies that require access to or the use of the airport installations - costs should be transparent and paid for by all. “Reasonable profit margins” are not obtained as of right in a free market and as such the application of such a presumption distorts competition. Further, reported profits and return on capital achieved by airport operators are in many cases significantly out of kilter with established commercial entities. Hence, the obvious appetite for infrastructure funds and corporations to enter the UK market for airport ownership. Greater transparency and some activity to restrain super profits would increase the efficiency of the allocation of capital and the required further investment in air transportation infrastructure.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

see 13 above and An advantage to having an independent authority being in charge of monitoring airport installations fees/charges would be the visibility of operating costs in relation to the services directed in the EU Directive.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Yes fully differentiated accounts for ground handling operations within multi functional groups should be audited independently to minimize cross subsidy of operating costs by airport and airline operators.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

In the event that the accounts are not published in accordance with the Companies Acts, because they form part of a division or a subset of a company's activity they should be “published as audited” and not as part of a report stating that they are “compliant” The advantage of this is greater transparency.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

If they were to be subject to the same tender process as third party supplier this would to enhance freedom of choice, an open market and fair competition. This should apply to all multi category vertically integrated organizations including airlines. Transparency will illuminate value for money and whether “public service considerations” are generating superprofits

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The management of space or any activity relating to ground handling should be done through a consultative process between AUC, the airport company and handler. It should always be practicable for space to be allocated to a suitable, qualified ground handler. Even at airports which have very high utilization of airport capacity as measured by landing slots e.g. LHR Heathrow, LGW Gatwick , LTN Luton , MAN Manchester , “space” is not a genuine constraint. There are limits to the amount of equipment and staff that can be utilized in a sustainable ground handling operation and space requirements are finite. The available space airside is very sparsely utilized in comparison to most economic activities. Physical separation of activities and adequate planning is required to maintain safe and efficient operations, rather than “more space”.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

For most airports the proposed solutions would not serve to improve the market. When the market is saturated no new operations are capable of operating on a sustainable basis on unsubsidized operating costs because there is no sustainable profit which can be achieved. There will therefore entrants and departures from the airport operations in the ordinary course of business.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

A consistent approach across the European market would reduce the constriction of the number of handlers and limitation upon the competition available to the airline community.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

All airports above the given threshold should be required to operate a fully open market. This would open the market to new entrants.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

The level of activity within airports, as measured by passenger numbers is imprecise because ground handling activity is dependent upon air craft type and size and the nature of the airport - whether a hub, regional airport, international or domestic. Above a general level of aircraft movements a sustainable operation may exist. If the lowest hurdle was set lower and the airports be required to consider applications to provide “licenced” ground handling activity there would be less rigidity required. Above certain levels airport should be required to consider applications for ground handling “licences”.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Passenger numbers are only indicative of airport activity and size, along with aircraft type, nature of airport - hub, regional, domestic, international etc. Airports with passenger movements in excess of 10 million pa should be placed into one of a number of intermediate banded groups of 10 Million passengers pa ( or X aircraft movements or 10 million passengers whichever is the lower ) and further potential licensees would then apply, but if the market becomes truly open then there shouldn't be a need for a number of thresholds across the EU. On an interim basis setting thresholds would encourage new applicants to consider the larger airports.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Greater definition as outlined above regarding training, safety etc and greater consistency of standards would assist the development of the market. This should apply across the full range of the services characterised as "ground handling."

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Basic standards would encourage greater consistency in airport operations. Service level agreements remain to be resolved between ground handlers and airlines/carriers.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Carriers should be subject to standardized industry levels of competence and should be able to self handle their own badged aircraft regardless of strict legal ownership but alliance partners should be obliged to seek tenders from the market. If the carrier wishes to tender it should be open to independent audit to regulate and minimise cross -subsidy. This would encourage further competition in the market.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

The existing participants in the freight market should be permitted to continue to operate, provided they are capable of satisfying independently assessed appropriate training, safety and insurance criteria. This would improve the safety and operational standards within airports airside and landside.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Ground handling category 1 (ground administration and supervision) as described in the annex of the Directive no longer reflects the current category 1 of the IATA SGHA 2008. It is recommend the annex and services are reviewed in line with the 2008 IATA Standards. Greater focus upon the actual nature of the process would establish whether they apply across airports and carriers or are specific to particular airports or carriers. Where they are a multi user /multi application "process" they are potentially a "centralized function". Better definition has no particular merit unless the delivery or provision of centralized functions is to be required or proscribed within the EU . The managing agent could then be identified as the airport or "A N Other" as appropriate

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and

disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

The identification of the managing agent would clarify the provider of the centralized ground administration and supervision ground handling services. The capital expenditure for these centralized infrastructures could then be published and this process should be extended to the operating costs associated with these infrastructures.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

none

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

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Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Globalia Handling**

Handling company or handling companies' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Globalia Handling es una compañía que presta servicios de asistencia en tierra en Aeropuertos tanto dentro de la Unión Europea (España) y como fuera de ella (Marruecos y México). En España es la única empresa de handling que cuenta con licencia para operar como operador en los dos principales aeropuertos Madrid-Barajas y El Prat Barcelona. Es de gran interés para nosotros poder participar en aportar nuestro punto de vista de cara a la iniciativa puesta en marcha sobre las mejoras en la Directiva 96/67, y que puedan ayudar a mejorar el marco regulatorio de todos los actores de este sector.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Los servicios de asistencia en tierra deben ser prestados por personal propio de los agentes de handling seleccionados. En cualquier caso si se admite la subcontrata de servicios no básicos, tales como: Limpieza de Aviones, Lost and Found, debe estar perfectamente definido qué servicios son susceptibles de subcontratación y en qué condiciones, con los correspondientes niveles de seguimiento, control y responsabilidad (auditados regularmente) respecto a las acciones o servicios que presten, de tal forma que sean totalmente transparentes para todos los actores. Estas actividades susceptibles de subcontratación deben llevarse a cabo mediante empresas especializadas, aunque la responsabilidad del servicio siempre debe ser de los agentes que llevan a cabo la subcontratación Por otro lado consideramos necesario extremar las restricciones a la subcontratación, en el caso de las auto asistencias.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

La revisión de la Directiva Europea debe impulsar el establecimiento de requisitos mínimos que deben afectar a todos los estados miembros y a todos los aeropuertos sobre los siguientes conceptos: Exigencia en formación y cualificación del personal Establecer parámetros de calidad Establecer requisitos para que las empresas operadoras puedan prestar servicios de handling a terceros o autoasistencia. Establecer necesidades de equipo básico de atención al avión para llevar a cabo la operación, así como su antigüedad Estas exigencias deben ser aplicadas tanto a los agentes de handling a terceros como a las auto asistencias Esto permitiría una atención homogénea y de calidad en todos los aeropuertos de la UE, dejando abierta la posibilidad de que alguna compañía desee mejorar algunos de dichos parámetros abonando, a los agentes de handling, el diferencial en precio que corresponda. El mínimo coste que pueden suponer estas medidas revertirían en una mejora de la calidad de los parámetros de seguridad y una mejora en los accidentes, tanto de personas como de aeronaves.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Las ventajas son las siguientes: -Mantenimiento de los puestos de trabajo y por tanto del empleo - Mantenimiento de la estabilidad social para un sector clave en la economía de los países -

Aseguramiento de la calidad de la operación para nuevos operadores debido a la cesión de trabajadores con experiencia y formados adecuadamente.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

En general las condiciones de los trabajadores en el sector son buenas y lo que debe hacer la autoridad es vigilar a aquellas empresas, en general pequeñas y algunos autohandling, que no aplican adecuadamente las condiciones laborales existentes. Además también las infraestructuras aeroportuarias deberían ser suficientes en espacio y cantidad para garantizar el desarrollo de la actividad dentro de los parámetros de seguridad y salud laboral.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

La presencia de una compañía en el aeropuerto o el tener un agente e Handling que ostente la representación formal de cualquier dicha compañía aérea permite a los pasajeros tener un interlocutor válido de la compañía con la que ha efectuado un contrato de transporte y ser atendido adecuadamente y de acuerdo con los derechos de los pasajeros, en casos de incidentes por retrasos, cancelaciones, overbooking etc., al igual que poder realizar gestiones administrativas de la compañía aérea como por ejemplo la emisión de billetes. También es necesario para llevar a cabo tareas de coordinación y operativas con los gestores de los aeropuertos.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Si. La directiva debería hacer referencia a la limitación del número de agentes de Handling y autohandling en función de la capacidad del aeropuerto para mejorar las condiciones de seguridad, porque a mayor número de agentes, con instalaciones fijas, mayor número de incidentes en términos de prevención y salud laboral.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

El ampliar los contratos de licitación a 10 años tiene algunas ventajas sobre la situación actual, que son: -Fomenta la mayor inversión en equipos al tener más tiempo para su amortización. -Permite llevar a cabo desarrollos en I+D+i para efectuar cambios de procesos e introducir nuevas tecnologías. -Permite adaptarse mejor a los cambios de ciclo económico. -Favorece la competencia en la licitación. -Garantiza estabilidad en el empleo, con repercusión clara en la paz social. -Consolida los niveles de servicio.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Nos parece adecuado que las especificaciones y normas técnicas de licitación se consulten con los Comités de Usuarios de cada aeropuerto, pero no consideramos oportuno su intervención en el proceso de selección de proveedores. Lo importante es establecer un proceso de selección, por parte de los gestores aeroportuarios, que sea objetivo, transparente y público que evite conflictos de intereses.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)



La auto asistencia debería estar limitado al igual que lo está el handling a terceros, en función de las capacidades operativas y funcionales de cada aeropuerto. Para el acceso a la auto asistencia se deberían establecer criterios similares a los que se exigen a los agentes de handling a terceros de tal forma que ambos compitan en igualdad de condiciones y se sometan a las mismas valoraciones en niveles de servicio.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

El criterio que debe seguirse para establecer una tasa es “el coste “que soporta el servicio para el que se aplica la tasa. Este coste ha de de ser justificado objetivamente y con transparencia a los usuarios de los servicios aeroportuarios y con posibilidad de ser auditado por algún organismo independiente. El criterio para establecer un margen razonable de beneficio a la tasa es difícil de considerar a priori, aunque podría ser acordado con los comités de usuarios de cada aeropuerto. Esto supone una mayor transparencia en la aplicación de las tasas y la seguridad de que se paga lo que vale el servicio.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

La ventaja fundamental es que este supervisor velará por que las tasas que se establezcan sean más transparentes, imparciales y proporcionales tanto a la inversión efectuada como al coste real del servicio. Como inconveniente está el coste que suponga el supervisor, que debe ser razonable.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

El artículo 4 de la Directiva establece razonablemente como debe ser la separación contable y la verificación por un auditor independiente, por lo tanto no vemos necesidad de su modificación.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Creemos conveniente que se haga una publicación obligatoria y regular de los informes del auditor independiente y se le entregue al gestor aeroportuario, siempre que dicho gestor no sea operador de asistencia en tierra.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Los gestores aeroportuarios, tanto si pertenecen al sector público como al privado deben someterse a un concurso previo, junto al resto de operadores licitantes, para tener acceso a una licencia de operador de asistencia en tierra, al objeto de evitar la distorsión en la competencia entre gestores aeroportuarios y operadores privados. Las ventajas de este proceso serian: homogenización de criterios de selección, igualdad de condiciones y mejorar la competencia.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

La distribución de los espacios en plataforma debe hacerse en función de la capacidad operativa de cada aeropuerto, se establece la huella operativa de los agentes de handling que han accedido a una licencia de operador de asistencia en tierra mediante concurso o mediante autorización si se

trata de actividades no restringidas, y el resto se va asignando a las compañías que soliciten auto asistencia hasta agotar la capacidad del aeropuerto. La prelación para establecer el orden en las auto asistencias puede ser por la antigüedad en el aeropuerto, volumen de operaciones etc. Se trataría de establecer unos criterios objetivos, claros y transparentes. En cuanto a la asignación de locales debe establecerse en función del número de operaciones y de personas de cada agente en cada uno de los aeropuertos, pudiendo fijar en algunos casos un mínimo de espacio necesario para mantener una operación razonable.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

En aquellos aeropuertos totalmente abiertos se deben aplicar los mismos criterios descritos en la cuestión 18 hasta agotar la superficie de plataforma y los locales existentes. No obstante habrá que tener en cuenta los incrementos de tráfico futuros, a la hora de aplicar los criterios anteriores, que eviten el agotamiento, de manera prematura, de dicha capacidad, porque es necesario cumplir con los niveles de servicio definidos.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

La Directiva ya tiene establecidos unos criterios mínimos de armonización. En nuestra opinión deberían ser los estados miembros quienes desarrollen su propia política de acceso al mercado.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Las infraestructuras aeroportuarias no son ilimitadas y por lo tanto no nos parece adecuado abrir totalmente el mercado de asistencia en tierra a partir de un determinado umbral. Consideramos más oportuno mantener limitado el número de agentes de acuerdo con la Directiva. Por otro lado el abrir totalmente el mercado podría llevar a una atomización del número de empresas y creemos que sería difícil ofrecer un servicio adecuado y de calidad en los aeropuertos, además de posibles consecuencias en el ámbito de las relaciones laborales actuales.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Al objeto de dotar de estabilidad y soporte legal a las licencias, se podría exigir el cumplimiento de los umbrales establecidos en la Directiva durante periodos de tiempo superior al año.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Creemos que deberían ser los estados miembros los que tienen que establecer el número de operadores en aquellos aeropuertos considerados grandes o muy grandes, teniendo en cuenta la disponibilidad efectiva del mercado de terceros.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

El establecer criterios generales para obtener una autorización expedida por la autoridad pública independiente de la entidad gestora aeroportuaria nos parece adecuado porque permitirá homogeneizar las condiciones de acceso en todos los países miembros y para todos los aeropuertos. Así mismo creemos necesario que se regule el mantenimiento efectivo de las condiciones establecidas en la autorización, durante todo el periodo de la licencia.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Nos parece adecuado introducir en los procesos de autorización criterios mínimos de formación y cualificación de trabajadores, calidad y seguridad.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

La auto asistencia debe afectar a la Compañía Aérea o la sociedad participada de la Compañía Aérea solicitante y a los vuelos que ésta mantenga con otras compañías en código compartido. De esta forma quedan mejor clarificados los mecanismos de la competencia.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Sería conveniente incluir en la Directiva una definición clara de cada aérea de responsabilidad de los diferentes intervinientes en la gestión de carga: Operador aéreo, agente de Handling e integradores.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

En nuestra opinión los apartados 1.2 y 1.3 deberían estar clasificados dentro del grupo 4.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Nos parece adecuada la redacción de la directiva establecida en su artículo 8 y creemos que deben ser los estados miembros quienes definan cuales deben ser consideradas infraestructuras centralizadas de uso común para todos los operadores y que los criterios de coste de utilización sean transparentes y proporcionales a la actividad de cada uno de ellos.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Se deberían introducir dentro de la Directiva algunos capítulos sobre mecanismos de control o de auditoria que eviten incumplimientos por parte de algunas empresas de las normas establecidas, que en muchos casos atenta contra la competencia (Seguridad, criterios de calidad, legislación vigente, etc.)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Nos parece que todas las fuentes indicadas pueden ser utilizadas para el cálculo de los impactos que genere las posibles modificaciones en la Directiva.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Vereinigung der Dienstleister an Deutschen Flughäfen e.V. (VDF)**

Handling company or handling companies' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

VDF, Vereinigung der Dienstleister an Deutschen Flughäfen e.V., the association of services providers at German airports, has at present 62 member companies representing around 80 companies (in view of holding structures etc) directly providing all kinds of services (handling, catering, cleaning, fuelling, security etc) at airports and indirectly providing necessary training requirements. Insofar VDF is an interest group and not a trade association as the focus is on the activities at airports, described by international, EU and national regulations and requirements and individual airport procedures. VDF indeed was founded in 2002 when German authorities forced service providers at airport on the basis of the German ground handling directive to cover their airport activities by an insurance limit of 375 Mio Euro which would have driven a number of companies into bankruptcy. Since that time VDF watches carefully the various activities in regulation and in operation to take part in the decision making by advising and informing regulatory bodies as well as by informing its members about actual activities, by examining the situation in the ground handling sector and by supporting its members in actual problems.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

- Subcontracting is common practice in today's ground handling activities. Therefore there should be clear rules wherever ground handling activities are subcontracted on how subcontracting should work. These rules must especially cover requirements on the competency and liability of the subcontractor and his adherence to specific national regulations on employment and payment (statutory minimum wage) of staff. Subcontracting must also be made transparent to have clear information which services are provided by whom. - Nevertheless subcontractors should not be allowed to sign handling agreements. This must be up to the license holder and its customers. Under these rules subcontracting should be open in every way, without limiting the level of subcontracting nor in view of the need of tenders to select subcontractors. - The advantage is that a clear regulation of subcontracting will allow fair competition by meeting the requirements of the directive in view of reducing operating costs and improving the quality of service and will so avoid any disadvantages caused by a free interpretation of member states or of airports. - The economic impact is that ground handling providers holding a license will have a greater flexibility to react on varying traffic and work volumes and in view of the cost level. - The social impact is that there will be a wider spread of service providers who will be able to act with a greater commitment to the services they are performing.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

- Meanwhile a lot of training and quality requirements have been implemented by authorities, airlines and industry bodies (such as IATA). Additionally a vast auditing system has been installed by them to monitor, control and steer these quality and training requirements. - Consequently the introduction of quality requirements in the directive is not useful. It should to a greater degree be granted that all providers in ground handling adhere to these requirements and that there is no discrimination for parties working under equal requirements. - Furthermore the disadvantage will be that in view of the already existing quality requirements the airlines will have their own quality levels and want to see them realized by the ground handling provider. Therefore more and more

quality standards are set in handling agreements. - An increase of training requirements caused by an additional demand from the revised directive will have a negative economic impact as this will lead to additional costs and does not promise any improvement on the already high-levelled standards. - An increase of training requirements might have a negative social impact as this may create individual mental capacity problems for the staff. - Key performance indicators cannot be defined generally due to a direct relation between the individual local conditions (infrastructure, procedures etc) and the possible performance levels. Locally there might be a negative influence on the tender and the later activities of providers in case the airport itself acts as ground handling provider and directs the definition of such key performance indicators. - Independent authorities in all member states will act in a different way which might counteract the harmonization of ground handling.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

- Transfer of staff should be handled according to the given EU and national requirements. - Specific measures for this industry branch will have the disadvantage that an equal treatment of staff over all industries is no longer given which will lead in some way to discrimination. Furthermore it will be difficult to justify why staff in the ground handling sector is treated differently and why this does not affect other economic sectors as well. - Specific measures will be far away from harmonization.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

- The framework for working conditions is given by the EU and national regulations. - Working conditions in the ground handling sector have their special requirements like the working conditions in other sectors. In view of an equal treatment and to avoid an over-regulation no special steps should be taken to improve the working conditions in the ground handling sector especially. It should be up to the ground handling providers to find and to realize their own useful structure.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

- There will be no advantages of obliging airport users to be present or to be legally represented by a ground handler. - It is up to the member states or airports to establish clear communication procedures with airport users, ground handlers cannot be used as stopgaps. - Ground handlers are not able to take over legal responsibilities as they are not familiar with the relationship airport operator - airport user nor with internals of airlines. - The representation of airport users should be, as stated in the IATA SGHA, subject to bilateral agreements between ground handlers and airport users.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

- Security problems cannot arise as ground handlers do not have any responsibility in this area. Ground handlers have to adhere to the given requirements which are set by EU and national regulations and airport procedures. - The introduction of the regulation 300/2008 will lead to increased requirements. - In view of safety there is a responsibility with the ground handling providers in view of training but there is also a given framework which they have to adhere to. - Safety is also an issue in the bilateral contract between airlines and ground handlers and is often incorporated in such agreements.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

- Problems arising from limited contracts arise whatever the length is, they may only be different. - The very problem at present is that the tender process is organised in different ways and that the time between the decision and the start is too short to establish a smooth operation, especially if there are pending legal procedures. So there is a necessity to define a detailed timeframe for a tender where every party can rely on and which is binding for those who decide. - There should be a period of time of at least 6 months after the decision is legally safe and the license holder is obliged to go into operation. - To avoid all the problems arising from limited contracts and tender processes an open market should be introduced.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

- There is no possibility to ensure that the airport users' preference is better taken into account as the present way of decision has no clear defining features, insofar it is not possible to decide on facts as there are three voting parties in Germany - There is no fair tender process guaranteed where the airport performs handling services as well as there is a conflict of interest - An open market would avoid such problems as there is no need to vote nor to decide nor will there be conflicts of interest, consequently this would be the fairest situation

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

- A special mechanism to select self-handling providers will neither lead to an advantage nor to a disadvantage as the interest in self-handling is very limited - Special mechanisms will create new problems as mechanisms include always problems - To avoid all those problems also in this area an open market will be the fairest solution - The open market would also avoid the problem of subcontracting services to subsidiaries - In all cases where self-handling is performed there should be a minimum requirement of services describing what is included in self-handling and all obligations that exist for service providers must also be valid for self-handling providers.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

- There is no reason to be seen why an access fee may be charged, in view of the charging of a user fee there is a double charging amounting to a partially tremendous burden for the ground handler - An access fee is not a fair regulation especially in those cases where an airport provides ground handling services as well - An access fee is an artificial fee and up to the decision of the airports, consequently it cannot be decided what a "reasonable profit margin" is - The definition of a "reasonable profit margin" might lead to artificial calculations which may lead to increased fees for the ground handlers, especially in those cases where the airports' own ground handling unit is not necessarily obliged to be profitable

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

- An independent authority being in charge of just monitoring airport installations' fees is no real advantage if there are no consequences - Monitoring will be difficult as there are no common regulations concerning the calculation of fees and charges existing; in view of the different structure of airports throughout the member states it seems impossible to establish common regulations. Furthermore there is the risk in an over-regulation which bears no proportion to the advantages - A great advantage would be to establish an independent authority supervising the whole tender process and, if necessary, having an influence on guaranteeing a correct process and

to avoid any individual interpretation; this influence should include all parties concerned - Again an open market would avoid all those additional measures

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

- There is no need in a more precise separation of accounts but there is a need to establish and to guarantee transparency as large as possible

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

- A regular publication has no influence on more precisions, except that evidence is produced that the work is done - A publication is attended with danger as there might be a wrong interpretation of the data included because the structure behind is unknown - Consequently there should be no publication but it should be possible for parties concerned to get in contact with the independent examiner to either inform him about problems existing or to get answers on questions existing

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

- Airports resp. airport subsidiaries to pass a tender procedure may have the negative social impact that in case it fails a negative influence on the labour market and especially on the whole airport structure will arise - Airports resp. airport subsidiaries involved in ground handling activities have synergies which may be advantageous to all other parties acting at the airport, so there might be a negative economic impact that special services are only possible to provide at higher costs or with a reduced service standard (winter services, emergency management etc)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

- It will be difficult to establish a special framework to manage allocation of space as the structure of airports differ tremendously - The managing body of the airport should be obligated to guarantee a fair allocation of space and this should be made transparent to the Airport User Committees and all relevant parties involved - The control over the fair allocation of space should better be up to the independent authority

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

- Auctioning of airport premises will lead to an influence on the competition as it may limit providers - "first arrived, first served" could have the same influence as auctioning - Definitions of minimum criteria is also no solution as this will not solve arising space constraints - The managing body of the airport should be obligated to guarantee a fair allocation of space and this should be made transparent - The control over the fair allocation of space should be up to the independent authority

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

- Prior to the harmonization of the European ground handling market it should be guaranteed that the present directive is introduced in every member state in every detail; in Germany the public

authority granting the approval is often enough not independent of the managing body of the airport - The harmonization of the ground handling market would have the advantage that an individual interpretation of the present directive by member states and airports would be avoided - The disadvantage of harmonization might be that in view of the different structures at airports difficulties will arise in view of realizing and costs - Aspects to be harmonized: - The whole tender process (given timeframe, excluding legal influences) - The definition of a “sufficient insurance cover” according article 14 - Harmonization would have the economical impact that tender processes and the activities at airports will guarantee a clear cost basis - The social impact of harmonization would be that there is much more certainty for the ground handling provider and the staff in view of their activities

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

- The biggest advantage of a full open market is that every special regulation, always including difficulties and uncertainties, can be avoided - An open market is the most equal basis for all providers and guarantees equal opportunities - The self-regulation of the market is a clear instrument which needs no regulations or procedures - Insofar there should also be no thresholds which create in view of their definition and the problems they provoke further difficulties - The economic impact of an open market is the self-regulation which requires clear analysis and calculation by every ground handler who wants to access the market, the self-regulation also avoids that airports in view of their traffic volume and its structure are forced to establish competition

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

- There is no clear reason to be seen why the threshold is defined by passengers and freight, there is no relationship in between - There will be no advantage in defining special mechanisms as 3 consecutive years will indeed give a more stable picture but in the end it is also possible that the airport will fall below the threshold in the fourth year; it should be taken into consideration that traffic may also decrease or that the air traffic structure in a member state changes - The economic and especially the social impact would not change as if the license expires the difficulties will remain the same - Again an open market would avoid all such problems as there will be a self-regulation

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

- Additional thresholds do not lead to any advantages as traffic volumes may change in a way which create new problems - The economical and social impact will not change as the problems in view of changes remain, there might even be a more negative impact

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

- Prior to refining the conditions to obtain an approval it should be guaranteed that the present procedures should be fully compulsory and introduced in every member state like the public authority being independent of the managing body of the airport - Conditions like “sound financial situation” or “sufficient insurance cover” are open to the individual definition by the member states and may lead to difficulties in entering the market, so the advantage in refining those will lead to a more harmonized and fair competition of and in the ground handling market and national interests can be excluded, so this will have a positive impact on the economic situation of the ground handling provider and on the social situation as also “smaller” companies will have the possibility to enter the market - The further refinement of conditions may lead to advantages but disadvantages as well depending on the given situation at airports in view of size, structure and traffic volume and share - The further refinement of conditions may lead to an over-regulation creating new



difficulties for ground handling providers to enter the market or these conditions may be of a negative economic impact in view of the structure of the ground handling provider

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

- There is already a lot of training requirements existing ground handlers have to adhere to. Consequently there is no advantage to include those in the directive as this would have no influence. - Quality measures are a bilateral topic between the ground handler and the airline as airlines have their own quality requirements. The problem might arise that quality measures included in the directive will not meet the requirements of airlines or be contradictory to them. - Additional training requirements will have a negative economic impact as ground handlers have already to spend a lot of money to adhere to the existing requirements. - Additional training requirements will also have a negative social impact as staff is already confronted with a large number of training requirements which might then overcharge the individual mental capacity.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

- There will be no advantage in redefining the boundaries of self-handling as there are already existing categories and the interest in self-handling is very limited.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

- The handling of freight indeed needs specialists to adhere to the given requirements. - To adhere to those requirements has a negative economic impact as the ground handler would have to invest accordingly. - In view of this diversity an open market would avoid all problems as the whole handling can be organized according to the special requirement. In the end this may lead to a positive social impact as specialists will have the possibility to offer their services.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

- There is no further clarification necessary as the list describing ground administration and supervision is included in the IATA SGHA which is the basis for service agreements between airlines and ground handlers. - There should be no further definitions which may be of influence on the SGHA as this may cause further problems if definitions will be contradictory.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

- The different nature of centralized infrastructures is not only depending on the airport's location in Europe but also depending on the structure and the size of the airport. - In these cases it would not lead to advantage if the role of the managing body is clarified. - It is also not necessary to improve the way infrastructures are managed but to guarantee that declared infrastructures are accessible and in operation without any problem. - This guarantee should be under the control of an independent authority.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

- Article 14 "sufficient insurance cover": It should be clearly defined what is meant by this. As already stated in the introduction the German authorities forced service providers in a first step to guarantee a coverage of 375 Mio Euro what would have driven some providers into bunkruptcy. In the

end it was agreed that there should be a relation between the insurance cover and the services provided.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**DC Aviation Ltd.**

Handling company or handling companies' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

We would like to be a licenced FBO in Malta. Unfortunately in Malta, MIA restricts the number of handling agents to a maximum of 2 and as AirMalta had Grand father rights only one licence was issued to Servis Air Globground. As we are not interested in handling airliners but want to provide the service to corporate, business and general aviation we have been placed at a disadvantage. We can operate only thanks to Air Malta with whom we have an agreement which allows us to operate under their licence but this means we have to pay not only the fees imposed by the airport operator but also effectively a royalty to Air Malta. We feel this is harming us economically as well as limit us to the services we can offer also because the airport operator provides certain services and thus is presently forbidding us from providing these services altogether.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

As stated in 1.3. above the current legislation although specifies that only certain services can be restricted we already are being restricted to provide services such as passenger and crew transport when really there should be no restriction. While granted the airport in Malta is small and the traffic is not all that big, we have created a niche market and it is unfair that now the other providers want to take this from us. Further more the nature of the activity GA, corporate and business aviation demands a different level of service from that of airlines, and we are trained, and insured properly. So while agree that there should be restrictions in so far as the level of service such as quality and training, this should not be restricted simply because the airport operator decides they are too small. In Malta the airport operator is a big firm while we are a small business serving a particular industry we are easily bullied out of business and all with the benediction of the EU. Not to mention security issues which demand a neccessity for seperating between, GA, business and corporate aviation and airline traffic.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

While we have no objection to quality standards and licences, training requirements, it should not be allowed that these are used to make it impossible for small providers to exist. For example we have internal quality systems and training programs which are more than adequate, we have an insurance cover in excess of 5 million US\$, even though our customers require us to have a minimum of 2 million. We have approximately 600 movements per year if for example the authorities come up with a minimum requirement of 50 million or 100 million effectively they would be making it impossible for this business to survive.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Already the legacy airlines dictate what happens at most airports, whether it is slots or services. The existing legislation does not take into account activities which have specific requirements. General Aviation, Business Aviation and Corporate Aviation is left in the wilderness and there are no dedicated regulations. This is placing service providers at a disadvantage. For example in Malta, while we meet the minimum EU requirements for two handlers on the airport, my company is because of these regulations put in a position to provide the service against paying a royalty, which I was under the impression that this was against the competition beliefs of the EU. As long as the service provider is adequately trained, has a quality system, they should not be restricted from providing the service. I also believe that an airport operator should only be allowed to provide these services if there is no local operator, or at least not be able to restrict a local operator because they are providing it themselves.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Security is of a specific concern to business aviation and general aviation. In view of the fact that we do not have a general aviation terminal all passengers have to use the main terminal. More importantly because we have to use Air Malta we can only use procedures available to them, meaning that our traffic is unnecessarily delayed and restricted.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Once again the lack of consideration for general, business and corporate aviation is the most critical problem at the present time. An airport should at least allow a minimum of dedicated ground handlers for general, business and commercial aviation even if this is capped at aircraft whose weight does not exceed 50 Tons of has a seating configuration of up to 50 pax. The minimum amount of years of 7 could be appropriate however from other airports I know the problem is because airport operators are allowed to charge very high fees even for just office space which make it impossible for service providers to recuperate their investments. If one wants to have quality, ie. proper training, proper equipment and a quality system one needs to invest, in any airport there is however one airport operator so service providers have to negotiate the licence fees with that operator who can charge whatever they like. Unfortunately like in Malta the licence fees are not out of this world but then try to get office space and immediately you are either not competitive or charging high fees.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

At this point I believe that the tender procedure is necessary, a similarly the adjudicating authority should consist of a member of the airport operator, a member of the countries/region transport authority, enough members from the airport user committee representing airlines, handling agents and business, corporate and general aviation which cannot be also the airport operator. However in countries like Malta there must be some kind of protection afforded to providers such as DC Aviation who have been operating in the limbo not to be but anyhow at a disadvantage because the it is more interesting financially to give the licence to an international conglomerate even if we are talking only about business aviation.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

In Malta, more than space which is limited at the present time what we are missing is the willingness. The market is still over protected. There is still space available and my concern is that this space is at present not made available so that the market can still be protected. Small service providers are at a disadvantage by design. One size fits all is impossible. The aviation industry is very diverse. In countries which probably is only Malta within the EU with just one airport, the more legislative restrictions there is the least competition will be allowed at the detriment of industry growth and foreign airport users. I believe that current providers should be given access for a minimum period of years (7 or 10) against an appropriate licence fee. There should not be any further restrictions at least in Malta.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

I strongly believe that the most important thing is require at least two specific categories of airside ground handling. Scheduled and charter airline ground handling and the second category of Business, Corporate and General aviation ground handling. The industry demands are different. In my opinion the solution would be to restrict General/Business/Corporate handling to aircraft with an MTOW not exceeding 50,000 kgs and or not exceeding a passenger configuration of 48 seats. While the airline handlers would not be restricted to provide this handling if they wish, the corporate

handlers would not be allowed to handle airline scheduled traffic. That said if there is interest already the service being provide as is the case in Malta through a royalty system existing service provider should be given first right of refusal and there should be no threshold. If any eu member wants to enter the market of another eu member, the only constraints allowed should be real physical constraints otherwise it should be an open market.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

I reiterate that there should be different categories of handling even at very small airports such as Malta in order to allow free competition and not have institutional protectionism.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

While this is a good step and minimum training criteria and quality procedures are necessary once again one must differentiate between categories of service providers. Business Aviation and General Aviation have different quality requirements, be it training, quality systems, security systems and insurance cover. Unfortunately if blanket procedures, one size fits all will be issued by the EU the result would be that institutional procedures will be allowed to restrict competition. A handler such as DC Aviation which handles 600 movements of consisting of flights with aircraft of an average weight of 9000kgs and passenger movements of 2.5 passengers per flight cannot have the same requirements as scheduled airline handling.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

While this is a good step and minimum training criteria and quality procedures are necessary once again one must differentiate between categories of service providers. Business Aviation and General Aviation have different quality requirements, be it training, quality systems, security systems and insurance cover. Unfortunately if blanket procedures, one size fits all will be issued by the EU the result would be that institutional procedures will be allowed to restrict competition. A handler such as DC Aviation which handles 600 movements of consisting of flights with aircraft of an average weight of 9000kgs and passenger movements of 2.5 passengers per flight cannot have the same requirements as scheduled airline handling.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

While this is a good step and minimum training criteria and quality procedures are necessary once again one must differentiate between categories of service providers. Business Aviation and General Aviation have different quality requirements, be it training, quality systems, security systems and insurance cover. Unfortunately if blanket procedures, one size fits all will be issued by the EU the result would be that institutional procedures will be allowed to restrict competition. A handler such as DC Aviation which handles 600 movements of consisting of flights with aircraft of an average weight of 9000kgs and passenger movements of 2.5 passengers per flight cannot have the same requirements as scheduled airline handling.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Malta is a particular example, one country one airport. DC Aviation has created a niche for itself. We only provide General, COrporate and Business aviation aircraft handling. With the 600 movements per year we can break even, if we did not have to pay a royalty. As the market continues to grow, we should be able to employ more people and develop this market even further. The only other provider who is in a similar situation is Mediterranean Aviation Co. Ltd, however they are also an Air Taxi Operator so they are allowed to self handle, although officially not allowed to handle third party aircraft they do have a similar arrangement to ours with Air Malta for third party handling. Having two companies providing the service already means that there is a market. Having to pay a royalty for it is both unfair and uncompetitive. This leads to job insecurity to our employees, a form of market protection and scarce quality. Unless the issue of general, business and corportate handling is put into the equation this directive will do nothing to help our business grow, provide the airport user with choice and an appropriate level of service and obviously give our employees primarily the job security they deserve but also the potential for advancement. One can visit the EBAA website to see what business aviation contributes to the European economy, I believe it is high time we are no longer treated as third class citizens.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**PETROLOT Ltd., PL 02-159 Warsaw, J. Gordona Bennetta Str. 2,**  
Handling company or handling companies' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

PETROLOT is the fuel services company that provides jet fuel storage, into-plane services and sales fuels for 13 Polish commercial and club airports. PETROLOT services yearly about 1500 clients (foreign airlines and local customers). PETROLOT's mission is to ensuring the highest standard of customer service. PETROLOT on the behalf of Management Board.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

In our opinion, the sub-contractor must have the required expertise and trained staff to perform all required activities in line with quality, safety and security standards set by the contracting parties (airlines or third party handlers) and internationally recognised ground operational best practices and - particularly designed for fuel services - by the jet fuel producers.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

In our opinion, due to a specific type of the activities in the area of the groundhandling service related to the security (of people and goods) each person who performs any work on the airport (in particular for the groundhandling agents), should be subject to the training requirements. The minimum scope of the training should include the safety rules on the airport. In case of the people that perform a type of work that is particularly complicated and significant from the point of view of the security, a special courses/training finished with an exam and issuance of a license should be performed. In our opinion, the duty to possess the license should apply, at least to the employees dealing with the ramp handling service, maintenance of the aircraft, fuel and oil handling, aircraft service and surface transport. Currently, in the European Union the training rules have been identified and function in respect to the categories of people employed by the groundhandling companies (for example in relation to the provision of fuel service) in particular the fuel and oil handling supplier of the aircrafts. Numerous procedures, instructions and rules that comprise of the strict guidelines relating to the exploitation of fuel installations and control of the quality of the fuel in the whole distribution chain, from the producer till the direct supply of the fuel to the wing of the aircraft, have been elaborated within the air carriers organizations and the associations of the producers of the aircraft fuel (such as IATA or JIG). The above mentioned guidelines are in particular: - JIG Guidelines for Aviation Fuel Quality Control and Operating Procedures for Joint Airport Depots - Issue 10, July 2008, - JIG Guidelines for Aviation Fuel Quality Control and Operating Procedures for Joint Into-Plane Fuelling Services - Issue 10, July 2008, - IATA Guidance Material for Aviation Turbine Fuels Specification - latest edition, - IATA Guidance Material on Standard Into-Plane Fuelling Procedures - latest edition, - ASTM Aviation Fuel Quality Control Procedures - latest edition. It should be however pointed out that those are rather recommendations of the carriers and/or the producers, typically the duty to comply arises from the agreement concluded by the carrier and the groundhandling agent. There is no such duty resulting directly from legal regulations. As a consequence, there is a need to directly specify in the Directive a duty relating to all entities performing handling services. A supervision of the realization of the above duty should be performed by the relevant regulatory body, in Poland the Civil Aviation Office. To sum up, currently in relation to the training and licensing of employees of the groundhandling service, standards resulting mainly from the economic practice (in particular from the liability relationship)



apply, however the training duty and/or licensing of the specialized employees of the handling agents, should result directly from the Directive. Taking into account his knowledge (experience), the handling agent should (assuming his interest) have the possibility to conduct the training by his own. The program should be consulted with the regulatory body, that should approve/gave the right to form the examination commission authorized to issue certificates of competency and /or licenses. The lack of the obligatory training and/or licenses for the specialized employees of the handling agents influences fair competition, since the training of the employees amounts to a significant cost and may have a direct influence on the cost of goods/services. Introducing the obligatory training and/or licensing of the employees providing specific service shall have a positive influence on the safety of the passengers of the airports and the employees. In relation to the environmental impact of the proposed changes, it should be stressed that professionalism of the handling workers (suppliers of the fuel and oil handling of aircrafts) shall significantly influence the reduction of breakdowns effecting in the fuel entering the environment starting from the fuel storage till the fuel and oil handling. When it comes to the economic impact, when it comes to the handling companies the increase of the training costs may appear, however this may be compensated by the increase in the air traffic and security in the air traffic (the ecologic and antiterrorist aspect). In consequence this will effect in decrease of the costs of activities of the groundhandling agents and the entire aviation industry.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

In our opinion, there is no need for separate regulation within the scope of transfer of handling service employees. One should mention that the definition of transfer of undertaking or part of undertaking was set forth in the European provisions, i.e. Council Directive of 12 March 2001 (2001/23/WE) on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings of businesses. This Directive constitutes one of the most important documents of the European labour law, therefore the interpretation of its provisions (particularly the definition of transfer of undertaking or part of undertaking) was subject to numerous judgments of the European Court of Justice, referred to also by domestic courts of the Member States. Thus, one may conclude that the institution of transfer of undertaking or part of undertaking to another employer is regulated in the European labour law and the practice with regard thereto does not raise any significant doubts. Principles set forth in Directive 2001/23 are implemented in the legal systems of the Member States. For example in the Polish legal system, consequences of transfer of undertaking as regards employment relations as determined in Art. 231 of the Labour Code. One should note that this provision does not specify the very transfer of undertaking or part of undertaking, leaving it as an underdetermined term. Thus, this regulation is seemingly incomplete. Nonetheless, this was an intentional endeavour of the legislator, who, being aware of the diversity of occurrences being background to the transfer of undertaking (and particularly part of undertaking), resigned from specifying criteria that are to be met in order to assume that the transfer of undertaking or part of undertaking took place. However, within 20 years of its presence in the Polish legal system, this term was specified in the very extensive jurisprudence of the Polish Supreme Court. Eventually, both labour law doctrine and jurisprudence doctrine agree that due to the diversity of the units employing employees, it is extremely difficult to formulate one definition of part of undertaking that would be applicable in all possible situations.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

No comment.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

In our opinion it is essential to minimize the involvement of the Airport Users's Committee, in particular in respect to the groundhandling companies. An increase in duties of such bodies may result in higher costs.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Safety and Security are amongst our industry's top priorities. Regarding fuel services, jet fuel producers and other organization (IATA) have well defined procedures and operating Standards that must be met by any and all operators.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

The period, for which agreements are concluded with the groundhandling suppliers, should take into consideration the type of activity pursued by the supplier, as well as the payback period regarding the given equipment type or infrastructure necessary for pursuing the activity. For example, as regards services connected with investing in infrastructure permanently affixed to the ground (f.e. warehousing base, transmission installations etc.), this period should amount to at least 15 years, whereas for the remaining services to at least 10 years. The aforementioned assumptions are based on the standards applied in preparing economic analyses of investment undertakings. Shortening the period of performing groundhandling services shall result in increased rates for the rendered service (necessity to settle the investment costs). Extending the period of use shall result also in application of technical solutions providing long-term exploitation of the erected infrastructure and purchased equipment. The duration of the agreement may influence the selection of such business models that will result in return of the invested capital, but in consequence, may also result in poor service quality, i.e. rendering services at the minimum acceptable level. The aforementioned solutions are without doubt of benefit to the environment, because on one hand they allow for establishing more permanent and safer infrastructures, on the other hand they do not require frequent changes in infrastructures connected with withdrawing of one of the groundhandling suppliers from the airport, that would also influence the environment.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

No comment.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

It is important to stress the fact, that the number of self-handling groundhandlers such depend on the size of an airport and the level of traffic air. In case of fuel services the infrastructure is essential; too many service providers may result in the increase of operation costs and/or the limitation of development of new investments (see 10 above).

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Currently, pursuant to Art. 16 Sec. 3 of the Directive, if access to the airport devices justifies collecting fees, the fees are set on the basis of adequate, objective, transparent and non-discriminatory criteria. The above solution assumes first of all that collecting fees may take place exclusively when justified, second of all indicates the type of criteria that are to serve the fee determination. The above solution does not determine the maximum fees for access to airport devices, including the maximum margin. On one hand, it provides general instructions in shaping

airport fees, whereas on the other hand it does not require establishing mechanisms typical for regulated activities, which over the long term economically burden the whole aircraft industry. Thus, in our opinion, it does seem necessary to introduce administered prices (minimum or maximum prices, minimum or maximum margins) in case of fees collected for access to airport devices. Nonetheless, the Directive may feature a principle that the prices/fees applied by the airport/managing body of the airport should be of market nature, f.e. determined in accordance with one of the methods of establishing transfer pricing. One may auxiliary use the sensible margin method ("cost plus"). The sensible margin method ("cost plus") consists in establishing the sale price and of an object, as well as rights and rendering services in a transaction of the given entity with associated entity at the level of the total cost basis and profit mark-up, comparable with the total cost basis and profit mark-up established between independent entities, which include comparable functions, borne risks and employed assets. Polish law features the definition of the sensible margin method in the Regulation of the Minister of Finance of 10 September 2009 on manner and course of determination of legal persons' income by way of assessment and manner and course of abolishing double taxation of legal persons in case of adjustment of profit of associated enterprises. The above definition includes particularly instructions of the Organisation for Economic Co-operation and Development, as well as provisions set forth in the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises and the Code of conduct for effective implementation of the Convention on the elimination of double taxation in connection with the adjustment of profits of associated enterprises. Mandatory announcement of the information on fees by airports/managing body of the airport (see remarks to p. 14 below) shall constitute a significant step in establishing fees on market conditions. Moreover, establishing airport fees is subject to verification from the point of view of competition protection and is subject of research both from the point of view of abuse of dominant position and concluding agreements aiming at limiting competition.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

One should incline to the solution assuming introducing fee monitoring (including fees for centralised infrastructure) collected by airports. Currently, such solution is not featured in the Directive. Monitoring should cover the fees established by both airport and other managing bodies of the airport infrastructure (hereinafter jointly referred to as the airport). Announcing (f.e. in form of mandatory information on the website of the airport/managing body of the airport or the website of the regulatory authority) of the amount of pertinent fees applied by the airport would contribute to the transparency in the use thereof, and consequently to protection of competition principles in the given airport. It pertains mainly to equal treatment of individual entities. In order for the public announcement of the monitoring to be effective, two conditions should be set: a) the airport should not be authorised to charge any other fees than those made public; b) fees for access to airport devices (including centralised infrastructure) should be standardised from the point of view of their type and not amount, as currently, by applying numerous names and due to various qualification of particular fees, a comparison between airports is impossible. Following the provisions under Directive 2009/12 when establishing supervision authority responsible for fee amount monitoring seems justified. The suggested solution has no impact on the environment. The separation of accounts. The necessity to make the obligation to separate the accounts more precise has been raised. The Directive does not provide for an effective mechanism to fulfill this requirement. In the current version of the Directive the separation of accounts related to the groundhandling service from the accounts of other activities is required from all entities providing the groundhandling service, irrespective of them being carriers, managing bodies of the airports or groundhandling agents. Furthermore, this relates to the issue of the definition of the „independent examiner” who will verify if the separation of accounts have been performed. That independent examiner should also verify the absence of cash flows between the activity of the managing body of the airport acting as the airport authority and its activities in relation to the groundhandling service. Another query that rises in relation to this issue is the question of the type of transparency requirements that should be fulfilled in relation to the above mentioned verification.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to

ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Subjective scope. In our opinion, in the Directive of the Council 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports ("Directive") in respect to the separation of accounts and to the separation itself, in general, more precision should be given. In case of difficulties, due to differences in regulations in particular Member States, only the effect to be achieved by using given requirements should be specified in the Directive or in its preamble. In respect to specifying the list of entities, upon whom the mentioned obligation is imposed, it should be emphasized that such list requires a substantial limitation and it should include only airports or the managing bodies of the airport. Primarily, the main purpose of the Directive supports such arguments. In the points number 19-21 of the Preamble it is emphasized that the managing body of the airport has the right to provide groundhandling service and by means of its own decisions may exercise considerable influence on competition between suppliers of groundhandling services; whereas it is therefore essential, in order to maintain fair competition, that airports be required to keep separate accounts for their infrastructure management and regulatory activities on the one hand and for the supply of groundhandling services on the other. Additionally, the Directive specifies clearly that an airport may not subsidize its groundhandling activities from the revenue it derives from its role as an airport authority. From the interpretation of the above provision appears, that financing (subsidizing) the groundhandling activities from the revenue generated by other activities is forbidden due to the risk of competition distortion. The above notion indicated in the Preamble is also reflected in Article 4 of the Directive, according to which the supplier of groundhandling services must rigorously separate the accounts of their groundhandling activities from the accounts of their other activities, in accordance with current commercial practice. Undoubtedly, the duty to keep the separate accounts aims to ensure fair competition between the managing body of the airport and the groundhandling service agent. The essential purpose of the commented provisions is to ensure equal access for the users of the airport being handled, to the groundhandling service. It needs to be highlighted here that the indicated regulations were incorporated into the Polish internal regulations and according to Article 178 of the act on Air Law, the managing body of the airport, the groundhandling service agent or the carrier are obliged to keep the separate accounts in relation to the groundhandling activities from the accounts in relation to other activities. The Directive, according to point 21 of the Preamble, provides that the same transparency requirements must apply to all suppliers wishing to offer groundhandling services to third parties. In our opinion, in relation to entities other than the airports/the managing bodies of the airports, there is no need to apply the same obligations, due to the absence of the danger of the cross-subsidizing or competition distortion. In Poland, and according to information possessed in other Member States, the entities providing the groundhandling service (other than airports/the managing bodies of the airports) provide only the groundhandling service. The revenue from other (additional) activities in most cases relates to the revenue from the property (such as renting, leasing of real estate and other specialized equipment, and warehouse services) and, in principle, is not the prevailing revenue. In such case the risk of financing (subsidizing) the groundhandling activities from revenue from different activities does not exist, such situation unquestionably does not distort fair competition. To summarize, the obligation to keep separate accounts in the light of the purpose of the Directive, relates only to the managing bodies of the airports performing the groundhandling service. The goal of the Directive is to avoid situation when an airport subsidizes its groundhandling activities from the revenue achieved from its main activities (the managing body of the airport that achieves high profits in one sector of its activities uses that profits to invest in other sector in order to strengthen its position or allocates the profits to cover losses in other sector). In case of other entities than the managing body of the airport providing groundhandling service, the risk indicated above does not exist, for that reason, there is no need to oblige such entities to keep separate accounts. Methods for keeping separate accounts. In our opinion the Directive does not specify in practice how significant the separation of accounts between the groundhandling service and accounts of other activities should be. It should be pointed out that the entity on which the obligation to keep the separate accounts is imposed shall remain the same entity (in most cases it will be the commercial law company) with the obligation to use the uniform accounting policy and the duty to prepare one financial statement. We would like to point out, that regulations in relation to the separation of accounts/bookkeeping exist also in directives and internal regulations in connection to other sectors of economy, such as: distribution of electricity, gas and telecommunication services. However, it should be underlined that the reasons to introduce the above regulations in particular sectors of the economy differed. Taking into account the

experience in the field of the regulation and the application of those regulations, the provisions of the Directive 2009/72/EC of 13 July 2009 concerning common rules for the internal market in electricity and the provisions of the Polish act on Energy Law of 10 April 1997 may be of assistance. Article 31 of the above mentioned directive provides that electricity undertakings shall, in their internal accounting, keep separate accounts for each of their transmission and distribution activities as they would be required to do if the activities in question were carried out by separate undertakings, with a view to avoid discrimination, cross-subsidisation and distortion of competition. The same time, according to Article 44 of the act on Energy Law of 10 April 1997 the electricity undertaking, ensuring the equal treatment of the receivers and elimination of cross-subsidisation, is obliged to keep the account books in a way enabling the separate calculation of costs and income, profits and losses for the performed commercial activity. Taking into account the purpose of the Directive, the separate calculation (indication) of costs and income of the groundhandling activity is sufficient to fulfill the obligation of the separate accounts. Hence we would like to propose the application of the analogous regulation in the Directive, that is a clear indication, that the separate accounts in relation to groundhandling service shall mean keeping the account books of the entity in a way enabling the separate calculation of costs and income, profits and losses for the performed groundhandling activity. Such specification of the mechanisms of the separation of accounts shall enable, in specific Member States, the use of mechanisms of keeping of accounts and preparation of the financial statements according to internal regulations, which shall facilitate the achievement of the purpose specified in the Directive. Specification of the subjective scope of the Directive and the mechanisms of keeping separated accounts in relation to the groundhandling activity shall enable the uniform use of the indicated provisions in all Member States. The current imprecise regulation may cause the actual absence of the application of the Directive or its too rigorous application, which could result in dissimilar situation of the groundhandling agents in particular Member States and ultimately in deterioration of competition.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box

Verification. In relation to the duty to verify the obligation to keep separate accounts and the prohibition of the cross-subsidisation described in Article 4 of the Directive, the provision of this Article provides that it should be performed by the independent examiner pointed by the Member States. In our opinion, from the practical point of view (expertise, access to the books, financing) the verification may be effectively carried out by the auditor examining the financial statements of particular entities providing groundhandling activities (that includes airports/managing body of the airport). The financial statement of each of the financial years of groundhandling agents (taking into account the separate calculation of the costs and income from the groundhandling activity) should be verified by the independent examiner, appointed according to special provisions (in Poland, the relevant provisions of the Accounting Law act and the Code of commercial partnerships and companies shall apply) by the company (that is the entity conducting economic activity in the field of groundhandling service). The autonomy of the auditor shall mean independency in relation to examining of the financial statement in relation to the entity examined and in relation to the state administration body that issues permits (licenses) for conducting the groundhandling service. The regulations of the European Union and the Member States impose on the auditors the obligation to comply with independency and reliability obligation in relation to the examining of the statement of the economic entities. In exceptional cases, described directly in the Directive, the supervision of the implementation the obligations in relation to the separation of accounts (for example by the verification of the statements of an auditor) should be performed by the state administration body supervising the activities of groundhandling agents. The results of the examination of the auditor in relation to a given area shall be reflected in the report and opinion, that together with the financial statements shall be transmitted each year to the state administration body supervising the activities of entities performing the groundhandling services. The supervisory body shall be obliged to verify transmitted information and if necessary, especially in case of the absence of transmission of obligatory information, shall have the right to perform additional control in order to verify the analyzed issue. Publication of statements. In relation to the publication of the outcome of control, the adoption of the mechanism described above allow for an "automatic" publication of a given opinion of the auditor. According to Polish regulations (similarly designed as in other Member States) the financial statements of the economic entities which are subject to an obligatory

verification by auditors are subject to publication each year together with an opinion in the official journals (in Poland in the Official Journal "Monitor Polski B") with the right to inspect the documents in the National Register of Entrepreneurs ("Krajowy Rejestr Sądowy") which includes the economic entities. It may be also considered to additionally or alternatively introduce an obligation to publish the financial statements together with an opinion of the auditor in a given scope on the website of the entity providing groundhandling services or the obligation to make the document accessible in the seat of the entity providing groundhandling services. Such actions shall ensure the accessibility of information to the interested entities and, what should be highlighted, it shall not cause any additional obligations and costs for the entities providing groundhandling services and the supervisory bodies. Both the issue of verification of the statements by the auditor and the publication of the financial statement of the entity providing groundhandling services shall ensure the free accessibility and transparency of information on the level ensuring its verification.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

See 15 above. Accounting separation is perfectly sufficient and should be implemented incase when the airport performs groundhandling activity. Legal separate entities creation is ungrounded as it provokes rise of service costs.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

In our opinion, if potential traffic development at the airport demands additional capacity then the airport, with input from the airline community, should take action to provide such additional capacity based on a solid business case. Airports must not be allowed to abuse their dominant position to set arbitrarily high land values and rentals for premises and other fees that are provided for aviation and groundhandling services.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See 18 above.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

In our opinion, security, safety and operational standards for the jet fuel storage and into- plane services should be harmonized. See also 5 above.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

See 20 above. A full opening of the market or any harmonization in the groundhandling services should be done with a high degree of carefulness. Market should develop naturally. The decisions should be left to investors who would like to develop this services.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

No comment.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

There is no need to introduce additional regulation. Market should develop naturally.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

No comment.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

No comment.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

No comment.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

No comment.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

No comment.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Solutions in the field of the airport infrastructure (in particular infrastructure related to the handling service) differ in particular Member States. The reason of those differences lies mainly in dissimilar economical development of Member States and the ownership structure of the airport infrastructure. At the beginning it should be stressed that the goal of the Directive was to ensure fair competition between the managing body of the airport and the groundhandling agent. The basis assumption of the Directive is the introduction of the equal access to the groundhandling services for the users being handled. According to the preamble of the Directive, the centralized management of [such] infrastructures may not, however, constitute an obstacle to their use by suppliers of groundhandling services or by self-handling airport users. Currently, according to the practice, not only the airports, but also the entities providing the groundhandling, own and/or manage the airport infrastructure. Such situation is in accordance with the basic goal of the Directive (assuring competition). A standard existing on the territory of Member States is the situation when the companies in the petrochemical sector (that hold shares/stocks in the groundhandling companies) invest in the development of the fuel infrastructure on airports. As an example, the warehouses of the aviation fuel that are located on the airports of the borders of the airports. Additionally, from information we possess it appears that some airports on the territory of the European Union are not the owners (and do not manage) of this type of infrastructure. In our opinion, specifying the concept of centralised airport infrastructure by airports may have a negative impact on competition between the managing body of the airport and the groundhandling agent. It seems legitimate to impose an obligation to provide airport users with constant access to the infrastructure upon the airports, irrespectively of who is the actual owner thereof. To summarise,

due to the advanced commercial practice, specification of the concept of centralised infrastructure by airports seems illegitimate. Specification of the idea of centralised infrastructure may have a negative impact on the whole market of groundhandling services. Thus, it seems illegitimate to introduce an obligation to possess certain infrastructure elements by the airports into the Directive or legislation of Member States respectively. Currently, such infrastructure, being in possession of groundhandling agents, is subject to dynamic modernisation, which in turn influences the development of the air traffic and air traffic security. Also, the necessity of having complete airport infrastructure by airports/managing body of the airport seems unjustified from economic and practical point of view. Such regulation may be an obstacle in using the infrastructure by entities providing groundhandling services. It may also lead to an excessive and unjustified financial expectations from airports or managing bodies of the airports (f.e. fee for entering the airstrip). One should consider the possibility of defining in the Directive the term of infrastructure affixed to the airstrip. Such solution will positively influence the security and air traffic service. It would also be recommended to define types of centralised infrastructure in the Directive, excluding those, which act independently of the airports and that do not require airport interference. Additionally, one should consider introducing a provision regarding obligation of appointing a fuel infrastructure operator. The operator would manage the whole airport infrastructure. In our opinion, the function of such operator should be held by an entity having in the given location (airport) at least 50% of fuel infrastructure. Thus, the operator would be obliged (in exchange for a justified fee), to manage the whole fuel infrastructure, which will without a doubt positively influence the air traffic security.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

We do not propose any additional issues.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

We are ready to provide additional data and information for the EC In order to explain our statement.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Asociación de Empresas de Servicios de Asistencia en Tierra en aeropuertos(ASEATA)**

Handling company or handling companies' association

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Aseata es una organización empresarial que agrupa a la casi totalidad de las compañías de handling que tienen licencia para operar en los aeropuertos españoles y estamos muy interesados en aportar nuestra experiencia y conocimiento del sector para la mejora de la Directiva 96/67/EC que ayude a mejorar las condiciones de mercado de las empresas que forman la organización.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Los servicios de asistencia en tierra deben ser prestados por personal propio de los agentes de handling seleccionados. En cualquier caso si se admite la subcontrata de servicios no básicos, tales como: limpieza de aviones, lost and found, debe estar perfectamente definido qué servicios son susceptibles de suscontratación y en que condiciones, con los correspondientes niveles de seguimiento, control y responsabilidad (auditados regularmente) respecto a las acciones o servicios que presten, de tal forma que sean totalmente transparentes para todos los actores. Estas actividades susceptibles de subrogación deben llevarse a cabo mediante empresas especializadas, aunque la responsabilidad del servicio siempre debe ser de los agentes que llevan a cabo la subcontratación. Por otro lado consideramos necesario extremar las restricciones a la subcontratación, en el caso de las autoasistencias. a este respecto consideramos que hay que detallar en la directiva que todo proveedor de handling que sea subcontratado por una línea aérea solo podrá hacer uso de la licencia de autoasistencia de dicha línea aérea en toda la UE y exclusivamente para dicha línea aérea.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

La revisión de la Directiva Europea debe impulsar el establecimiento de requisitos mínimos que deben afectar a todos los estados miembros y a todos los aeropuertos sobre los siguientes conceptos: -Exigencia en formación y cualificación del personal. -Establecer parámetros de calidad. -Establecer requisitos para que las empresas operadoras puedan prestar servicios de handling a terceros o autoasistencia. -Establecer necesidades de equipo básico de atención al avión para llevar a cabo la operación, así como su antigüedad. Estas exigencias deben ser aplicadas tanto a los agentes de handling a terceros como a las autoasistencias. Esto permitiría una atención homogénea y de calidad en todos los aeropuertos de la UE, dejando abierta la posibilidad de que alguna compañía desee mejorar algunos de dichos parámetros abonando, a los agentes de handling, el diferencial de precio que corresponda. El mínimo coste que pueden suponer estas medidas revertirían en una mejora de la calidad de los parámetros de seguridad y una mejora en los accidentes, tanto de personas como de aeronaves.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Entendemos que se debe fijar la subrogación de personal de unos proveedores de handling a otros, incluida la autoasistencia, ante la pérdida por parte de uno y captación por parte de otro, de un determinado cliente compañía aérea. Las ventajas son las siguientes: -Mantenimiento de los puestos

de trabajo y por tanto del empleo. -Mantenimiento de la estabilidad social para un sector clave en la economía de los países. -Aseguramiento de la calidad de la operación para nuevos operadores debido a la cesión de trabajadores con experiencia y formados adecuadamente.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

En general las condiciones de los trabajadores en el sector son buenas y lo que debe hacer la autoridad es vigilar a aquellas empresas, en general pequeñas y algunas autoasistencias, que no aplican adecuadamente las condiciones laborales existentes. Además las infraestructuras aeroportuarias deberían ser suficientes en espacio y cantidad para garantizar el desarrollo de la actividad dentro de los parámetros de seguridad y salud laboral.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

La presencia de una compañía en el aeropuerto o el tener un agente de handling que ostente la representación formal de cualquier compañía aérea permite a los pasajeros tener un interlocutor válido de la compañía con la que ha efectuado un contrato de transporte y ser atendido adecuadamente y de acuerdo con los derechos de los pasajeros, en caso de incidentes por retrasos, cancelaciones, overbooking, etc. También es necesario para llevar a cabo tareas de coordinación y operativas con los gestores de los aeropuertos.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Si. La directiva debería hacer referencia a la limitación del número de agentes de handling a terceros y autoasistencia, en función de la capacidad de aeropuerto, para mejorar las condiciones de seguridad, porque a mayor número de agentes, con instalaciones fijas, mayor número de incidentes en términos de prevención y salud laboral.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

El ampliar los contratos de licitación a 10 años tiene algunas ventajas sobre la situación actual, que son: -Fomenta la mayor inversión en equipos al tener más tiempo para su amortización. -Permite llevar a cabo desarrollos en I+D+i para efectuar cambios de procesos e introducir nuevas tecnologías. -Permite adaptarse mejor a los cambios de ciclo económico. -Favorece la competencia en la licitación. -Estabilidad en el empleo, con repercusión clara en la paz social. -Consolida los niveles de servicio.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Nos parece adecuado que las especificaciones y normas técnicas de licitación se consulten con los Comités de Usuarios de cada aeropuerto, pero no consideramos oportuno su intervención en el proceso de selección de proveedores, para evitar conflictos de intereses de algunos de sus miembros. Lo importante es establecer un proceso de selección, por parte de los gestores aeroportuarios, que sea objetivo, transparente y público que evite conflictos de intereses.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

La configuración actual del derecho a la autoasistencia debería limitarse en base al número de operadores (incluidos las autoasistencias), el mercado libre disponible y por razones de capacidad operativa y funcionales de cada aeropuerto. Para el acceso a la autoasistencia se deberían establecer idénticos criterios de calidad, formación....., a los que se exigen a los agentes de handling a terceros de tal forma que ambos compitan en igualdad de condiciones y se sometan a las mismas valoraciones en niveles de servicio. Así mismo sugerimos se clarifique la definición de autoasistencia y se eviten subcontrataciones, por parte de éstas, de algunas actividades que suponen la entrada en el mercado de proveedores que no han tenido participación en concursos de licitación.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

El criterio que debe seguirse para establecer una tasa es "el coste" que soporta el servicio para el que se aplica la tasa. Este coste ha de ser justificado objetivamente y con transparencia a los usuarios de los servicios aeroportuarios y con posibilidad de ser auditado por algún organismo independiente. El criterio para establecer un margen razonable de beneficio a la tasa es difícil de considerar a priori, aunque podría ser acordado con los comités de usuarios de cada aeropuerto. Esto supone una mayor transparencia en la aplicación de la tasa y la seguridad de que se paga lo que vale el servicio.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

La ventaja fundamental es que este supervisor velará porque las tasas que se establezcan sean más transparentes, imparciales y proporcionales tanto a la inversión efectuada como al coste real del servicio. Como inconveniente está el coste que suponga el supervisor, que debe ser razonable.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

El artículo 4 de la Directiva establece razonablemente cómo debe ser la separación contable y la verificación por un auditor independiente por lo tanto no vemos necesidad de su modificación, aunque en esta exigencia se debería incluir a la autoasistencia e impulsar su cumplimiento efectivo por todos los estados miembros.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Creemos conveniente que se haga una publicación obligatoria y regular de los informes del auditor independiente y se le entregue al gestor aeroportuario, siempre que dicho gestor no sea operador de asistencia en tierra.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Los gestores aeroportuarios, tanto si pertenecen al sector público como al privado deben someterse a un concurso previo, junto al resto de operadores licitantes, para tener acceso a una licencia de operador de asistencia en tierra, al objeto de evitar la distorsión en la competencia entre gestores aeroportuarios y operadores privados. Las ventajas de este proceso serían: homogenización de criterios de selección, igualdad de condiciones y mejorar la competencia.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

La distribución de los espacios en plataforma debe hacerse en función de la capacidad operativa de cada aeropuerto, se establece la huella operativa de los agentes de handling que han accedido a una licencia de operador de asistencia en tierra mediante concurso o mediante autorización si se trata de actividades no restringidas, y el resto se va asignando a las compañías que soliciten autoasistencia hasta agotar la capacidad del aeropuerto. La prelación para establecer el orden en las autoasistencias puede ser por la antigüedad en el aeropuerto, volumen de operaciones etc. Se trataría de establecer unos criterios objetivos, claros y transparentes. En cuanto a la asignación de locales debe establecerse en función del número de operaciones y de personas de cada agente en cada uno de los aeropuertos, pudiendo fijar en algunos casos un mínimo de espacio necesario para mantener una operación razonable.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

En aquellos aeropuertos totalmente abiertos se deben aplicar los mismos criterios descritos en la cuestión 18 hasta agotar la superficie de plataforma y los locales existentes. No obstante habrá que tener en cuenta los incrementos de tráfico futuros a la hora de aplicar los criterios anteriores, que eviten el agotamiento, de manera prematura, de dicha capacidad, porque es necesario cumplir con los niveles de servicio definidos.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Los aspectos a armonizar son: -La necesidad de regular el mercado. -Los mínimos requerimientos de formación del personal del adjudicatario. -Los mínimos requerimientos de calidad a cumplir por el adjudicatario. -La definición de autoasistencia. -Umbrales de aplicación de la Directiva en base a mercado libre existente/esperado. -Limitación del número de autoasistencia (según punto 12).

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Las infraestructuras aeroportuarias no son ilimitadas y por tanto no nos parece adecuado abrir totalmente el mercado de asistencia en tierra a partir de un determinado umbral. Consideramos más oportuno mantener limitado el número de agentes de acuerdo con la Directiva. Por otro lado el abrir totalmente el mercado podría llevar a una atomización del número de empresas y creemos que sería difícil ofrecer un servicio adecuado y de calidad en los aeropuertos, además de posibles consecuencias en el ámbito de las relaciones laborales actuales.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Al objeto de dotar de estabilidad y soporte legal a las licencias, se podría exigir el cumplimiento de los umbrales establecidos en la Directiva durante periodos de tiempo superiores al año.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Creemos que deberían ser los estados miembros los que tienen que establecer el número de operadores en aquellos aeropuertos considerados grandes o muy grandes, teniendo en cuenta la disponibilidad efectiva del mercado de terceros. En cualquier caso, no somos partidarios de variabilizar el número de licencias en función del volumen de pasajeros pues el parámetro que

realmente fijará de manera "sostenible" los posibles agentes adjudicatarios será el "mercado libre" realmente existente en cada aeropuerto.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

El establecer criterios generales para obtener una autorización expedida por la autoridad pública independiente de la entidad gestora aeroportuaria nos parece adecuado porque permitirá homogeneizar las condiciones de acceso en todos los países miembros y para todos los aeropuertos. Asimismo creemos necesario que se regule el mantenimiento efectivo de las condiciones establecidas en la autorización, durante todo el periodo de la licencia.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Nos parece adecuado introducir en los procesos de autorización criterios mínimos de formación y cualificación de trabajadores, calidad y seguridad.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

La autoasistencia debe afectar a la compañía aérea solicitante y a sus subsidiarias y franquiciadas.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Sería conveniente incluir en la Directiva una definición clara de cada área de responsabilidad de los diferentes intervinientes en la gestión de carga: operador aéreo, agente de handling e integradores.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

En nuestra opinión los apartados 1.2 y 1.3 deberían estar clasificados dentro del grupo 4.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Nos parece adecuada la redacción de la Directiva establecida en su artículo 8 y creemos que deben ser los estados miembros quienes definan cuales deben ser consideradas infraestructuras centralizadas de uso común para todos los operadores y que los criterios de coste de utilización sean transparentes y proporcionales a la actividad de cada uno de ellos.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Se deberían introducir dentro de la Directiva algunos capítulos sobre mecanismos de control o de auditoría que eviten incumplimientos por parte de algunas empresas de las normas establecidas que en muchos casos atenta contra la competencia (seguridad, criterios de calidad, legislación vigente, etc.).

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; •

Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Desde esta organización solo podríamos aportar como fuente de datos los correspondientes a número de personas en cabezas totales y en plantilla equivalente.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**DG Bulgarian Civil Aviation Administration**

National government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

As a body regulator Bulgarian DG CAA has been routinely involved in the process of implementation of the Directive and it is desirable that regulatory measures should be reviewed and re-justified but any proposed changes to the Directive that have the effect of imposing additional regulatory burdens on airports, airlines and suppliers of ground handling services will need to be carefully evaluated and revised.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Yes, specific rules regarding subcontracting would need to be introduced in the Directive. Sub-contracting by third-party handlers should be permitted under sub-contracting rules: the same conditions required of the official handler have to apply also to its sub-contractors. Any sub-contracting should be subject to the same conditions as the main contract, in order to prevent security and safety problems. However rules should be limited to one level of sub-contracting for services such as passenger handling, aircraft maintenance, ground administration and supervision, flight operations and crew administration. Sub-contracting should not be permitted for sensitive tasks like baggage handling, ramp handling, fuel and oil handling, due to negative impact of safety and security, particularly for the airside activities. When a subcontractor subcontracts further 2nd or 3rd, may lead to a multiplication of personnel on the ramp and, more generally, to problems of safety and security and should be prohibited. The advantages - more clear responsibilities for the suppliers and decreasing of prices. The disadvantages - leading to limitation of the number of operators, negative social aspect.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Airports can be able to establish a minimum level of quality standards and training requirements which would be made mandatory by the Directive. Quality measures may be areas in the training and ensure appropriate levels of service quality maintained at the airport. They seems to be driven by several different factors which are often airport specifics and depending on the Service Level Agreements (SLAs) between the airline and the ground handling company but CAA would support the development of service level agreements between the parties most directly concerned. All the same the introduction of Quality Management Systems, certification and self-audit processes, independent ground handling companies increased the quality levels of ground handling services, including quality monitoring. It is difficult to find in the Directive any frame on quality consensus at European community level. Generally, the performance of quality levels is depending on the individual ground handling provider, the Service Level Agreements between the ground handling provider and the airline, the infrastructure at airports. Advantages - Ensuring combination of minimum quality standards will have a direct impact on safety and security at the airport. Disadvantages - Quality requirements should be considered as market access barriers.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

It is only by having regard to the specific characteristics of each transfer of activity that it is possible to determine whether the transaction concerned constitutes a transfer for the purposes of the directive. At Bulgarian international airports doesn't exist considerable ground handling market. On national level no measures launched for the limitation of transfer in ground handling sector and the ground handling staff have possibility for options in social aspects Advantages - Since liberalisation of the market, employment in ground handling has increased. Disadvantages - negative impacts, such as lower salaries, deteriorating the work organization, lower quality levels and difficulties in implementing the transfer process.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

CAA does not believe that the Directive should include other measures relating to social and working conditions, the national legislation should be applied, the more so as the Directive allows Member States to take measures to ensure the protection of the rights of workers.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

When contract between airline and ground handling agent is well-provided there could be an option to represent the airline at the airport. However airline representative is desirable to be present at the airport in particular for financial commitments, slots, delays, hotel accommodations etc. In these cases it is reasonable an airline to be present at the airport. Advantages - The quality services are more satisfactory for the passengers and the customer level is improved. Disadvantages - Airlines spend money, mostly the low-cost companies.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

After implementation of the Directive the number of ground handling providers has increased. It should be mentioned that more frequent incidents encountered, especially the airside activities of ground handling operators on the apron.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

The maximum licence period of 7 years could be extended within 8 to 10 years - a preferable period to prepare and to organize performance for stakeholders. advantages - receiving of more qualitative services when giving opportunity for the operators to invest in personnel and equipment, service suppliers also can find strategies for longer term and long-term contracts. disadvantages of extending tender contracts - it should not be too long, in order to avoid excessive market power of certain handlers, not good for the competition.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

The precise role of the Airport Users' Committee is not set out with sufficient clarity. This can result in different interpretations at different airports. At airports where airlines are represented on local committees by their ground handling agents which can give rise to possible conflicts of interest. The role of the AUC in deciding on the appointment of handlers is not fully specified. Suggestion - the responsibility for appointing handlers to operate at an airport should generally rest at airport operator and/or at a national level. It is desirable to keep the current situation as a consultative role to avoid the conflict of interests. Consultation with the airport users could be intensified, but in an advisory capacity.



(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Advantages- clear selection procedures Disadvantages - none

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Yes, we agree for the "reasonable profit margin" and to set a reasonable measure of infrastructure fees of airport installations, which has to be determined according to relevant, objective, transparent and non-discriminatory criteria. Advantages - reasonable volume of infrastructure fees and transparency Disadvantages - reduction of airport revenues.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Suggestions -an independent authority have to be in charge of monitoring airport installations similarly to what exists for airport charges in Directive 2009/12 in view his independence. Advantages - the character of activities of the independent body is similar and his competent reports and advice would be expert.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The implementation of the separation of accounts needs clarification.To ensure the effective implementation of accounting separation the methods have to be specified. The coverage have to include airport operators, when they provide GH services and all GH providers for third parties.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

It would be favourable to create conditions for independent examiner's checks, in order to assure the same rights between operators. Only ground handling operators must be covered by the audits. There is no need reports (or part of them) to be available publicly.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

We support the suggestion to make compulsory for all airports handling operators and all airports subsidiaries to pass a tender procedure. Advantages - equal in rights and equal conditions for all suppliers.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

we do not accept possible solution proposed for "auctioning of airport premises", because this proposal could charge additionally the suppliers and the airport operator would not try to make improvements . However the principle of "first arrived, first served" in combination with definitions of minimum criteria is better option, while premises readily available.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

The same suggestion as the previous question

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

The aim to harmonize the European ground handling between Member-States is a very complex procedure, due to the specific conditions at airports in different countries. To carry out this review is a very significant phase on the ground handling markets at Community airports.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Augmentation in the number of handlers, when full opening of the market would lead to a reduction of available space, diminution in operational efficiency and security of the service. The full opening of the market is depending on the properties and nature of each airport and airport operations, which are estimated from the relevant authorities.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Yes, a mechanism could be envisaged whereby the airport has to fall above the threshold for 3 consecutive years in order to be subject to the relevant provisions of the Directive. Giving space of time of 3 years when the level of the Directive was raised is allowing airport body management to prepare conditions for the ground handling market. In our estimation the main objectives are to update and to focus on safety and security issues.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Possibility of introducing additional thresholds not only regarding the capacity of the infrastructure, but also a point of view of the raised airport annual traffic. Our suggestions- the criteria of thresholds can be divided, do not sound synchronous (passengers and freight only). In our opinion introducing additional thresholds is not preferable. There is possibility for the competition of ground handling providers without thresholds.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

All the conditions should be directed to provide safety of the aircraft servicing and the airside activities. A refinement of the criteria to obtain an approval could be introduced to limit the divergence of what is required to perform a groundhandling activity and they could include training provisions or quality measures.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

The criteria need not to limit the suppliers. They could be changed, and additional criteria, not mentioned in the current directive, could also be introduced, like training and quality of working, always in connection with the safety.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

We consider that the scope of self handling could be specified and amended - most self-handling airlines arrange ground handling services to other airlines on a reciprocal basis, some network carriers provide ground handling services for their alliance partners, while other network airlines select other suppliers.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

No concrete suggestions regarding improving the handling of freight. The involving of specific types of air freight would not have a significant influence on this ground handling activity.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Changes are necessary in the definition of category 1 - ground administration and supervision, as well in category number 9 - flight operations and crew administration. According our own experience when it comes to delivering approvals, requirements are similar. Those two categories can be integrated in one or can be described more specifically and more precisely mentioned.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Yes, the definition of centralized infrastructures is a nearly weak point in the Directive and it would be a benefit to declare defined elements as centralised infrastructure: baggage handling system, passenger boarding bridges, fixed power installations, fuel and oil stations and check-in desks can be identified as a core set of centralised infrastructure. In regard to the way these infrastructures are managed - the airport operator should create better possibilities or conditions of access for all suppliers depending on the different nature of an airport and his specific infrastructure. The advantages - more precise definition can assure a transparent and non-discriminatory use of the CI, improving of surroundings, fair competition, reducing access fees. The disadvantages: The strict definition of CI will not keep the flexibility to react to airport specifics, high costs.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**ENAC - Italian civil aviation authority**

National government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

ENAC (Ente Nazionale per l'Aviazione Civile) è l'autorità nazionale per l'aviazione civile in Italia. Ente di regolazione e controllo, tra i suoi compiti c'è quello di assicurare l'applicazione della direttiva comunitaria 96/67/CE e verificarne l'impatto nel mercato. A dieci anni dell'entrata in vigore in Italia del d.lg. 18/99 di recepimento della Direttiva 96/67, è stato registrato un non soddisfacente assetto del settore, perché a fronte della liberalizzazione dello stesso si era verificato un abbassamento del livello della qualità del servizio, anche in termini di safety, la mancanza di connessione tra standards dei vettori/gestori aeroportuali/handlers e sovente ripercussioni negative, di carattere sociale, sui lavoratori. L'abbattimento dei costi va sovente a scapito dei contratti di lavoro e della professionalità dei lavoratori. L'ENAC ha pertanto adottato un regolamento e relativa circolare APT 02 A (pubblicati sul proprio sito nel 2007, oggi alla sua prima revisione) con i quali, pur mantenendo inalterati i requisiti di idoneità dei prestatori dei servizi già elencati dalla Direttiva citata, ha disposto regole organizzative d'impresa, comprendenti altresì aspetti relativi al personale ed alle risorse materiali necessarie, atte a garantire l'innalzamento degli standards di regolarità, sicurezza e qualità nell'espletamento dei servizi ed il rispetto del personale dipendente. E' stata altresì tenuta in debita considerazione la compressione degli spazi, soprattutto nel breve periodo, sugli aeroporti che maggiormente hanno attratto prestatori di servizi. Alcune problematiche sono tuttora allo studio e dunque si ritiene utile un confronto a livello europeo sia per pervenire, il più possibile, ad una condivisione dei requisiti di certificazione onde intraprendere la strada di un riconoscimento europeo delle certificazioni di idoneità, in analogia con gli altri segmenti del comparto aeronautico, e contribuire alla libera circolazione del lavoro e delle imprese, sia per confrontare le problematiche comuni e darvi una soluzione/interpretazione europea omogenea che potrebbe trovare una sede opportuna in una revisione della direttiva.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Il subappalto è un fenomeno molto diffuso nella realtà economica del nostro paese che, non trovando disciplina nella direttiva, l'ENAC ha ritenuto necessario rendere trasparente e regolare con il proprio regolamento, ponendo però dei limiti di utilizzo, onde salvaguardare la centralità della certificazione in capo all'handler. Infatti: § solo un handler già certificato dall'ENAC può richiedere l'autorizzazione a subappaltare alcuni servizi entro un margine di attività; § l'handler certificato mantiene la responsabilità dell'esecuzione del servizio; § l'handler certificato dà evidenza del possesso, da parte del subappaltatore, dei requisiti di idoneità corrispondenti a quelli richiesti per l'ottenimento della certificazione di idoneità, con la sottoscrizione, unitamente al subappaltatore, di una "relazione di rispondenza" degli standard di sicurezza e qualità pari ai propri.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

A seguito dell'esperienza decennale dall'entrata in vigore della direttiva comunitaria, considerato che liberalizzazione non può essere equivalente di deregolamentazione, preso atto che il livello di qualità dei servizi si andava abbassando, l'ENAC ha ritenuto necessario introdurre, nel proprio regolamento Handling regole relative: alla necessità di una certificazione d'impresa, alla formazione del personale, agli standards di qualità, alla rispondenza ai minimi di scalo. E' dunque

favorevole all'introduzione degli stessi parametri nella modificanda Direttiva. L' emendamento avrebbe il vantaggio di migliorare la sicurezza operativa, riducendo la possibilità di incidenti; inoltre benché questo potrebbe comportare un aumento della spesa nel breve periodo, soprattutto per l'investimento nella organizzazione e formazione del personale, nel lungo periodo si tradurrebbe inevitabilmente in un vantaggio per tutti gli operatori per il risparmio che ne deriverebbe. La migliore organizzazione a tutti i livelli si tradurrebbe altresì in un aumento della capacità aeroportuale con benefici per tutti.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

La protezione dei lavoratori è un tema molto sentito dall'Italia e dall'ENAC. Per questa ragione la prima versione della normativa di recepimento della direttiva comunitaria aveva introdotto norme di salvaguardia per i lavoratori molto garantiste, che li tutelavano sia nel caso di trasferimento del ramo d'azienda che del ramo di attività. E' storia recente che la comunità europea abbia chiesto all'Italia una modifica legislativa che, in ossequio ai principi di liberalizzazione comunitari, non prevedesse un obbligo di trasferimento dei lavoratori in caso di cessione d'attività per categorie di servizi, e che l'Italia vi abbia provveduto consentendo per tale ipotesi l'apertura di un tavolo di trattative per una concertazione, con la mediazione dei Ministeri competenti. Il problema è sicuramente esistente e riguarda anche l'applicazione della tipologia di contratto collettivo ed eventualmente anche la determinazione di un contratto di categoria, si ritiene pertanto debba trovare una maggiore tutela nell'ambito della direttiva, data la specificità dell'organizzazione di un lavoro sovente discontinuo.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Vedi risposta al quesito 6.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

E' sicuramente opportuno che i vettori abbiano un rappresentante in aeroporto, tanto per le eventuali problematiche di safety e di security, come anche per la tutela dei diritti dei passeggeri, anche se non si ritiene debba essere necessariamente trovato tra gli handler. Certamente ove non ci fosse già un legale rappresentante del vettore e questa figura venisse ricercata tra i prestatori di servizi, la categoria 1, "assistenza amministrativa", sarebbe quella più aderente alla fattispecie.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Considerate le numerose implicazioni di safety e security che coinvolgono la prestazione dei servizi di assistenza a terra e che la complessità ed il rigore delle misure di sicurezza è aumentato dall'entrata in vigore della direttiva comunitaria, si ritiene necessario che la direttiva contenga le necessarie prescrizioni per i settori trasversali. Esempi eclatanti sono quelli dell'agente regolamentato, del personale addetto al carico/scarico e trattamento di bagagli, posta e merce, del personale addetto ai carichi speciali, nonché del personale preposto alla circolazione in ambito air side. L'accertamento della sussistenza di questi requisiti, dovrebbe essere parte della certificazione d'impresa e dunque della formazione/abilitazione professionale del personale.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

A questo proposito , considerati anche i tempi lunghi per aggiudicare una gara, ed il possibile consolidamento, nelle more dello svolgimento della gara stessa, del gestore aeroportuale prestatore

di servizi, ovvero dell'handler storico, l'ENAC non ritiene che il ricorso alle procedure di selezione pubblica possa considerarsi il miglior strumento per assicurare la liberalizzazione del mercato dell'handling. Al contrario nella emananda direttiva potrebbe trovare disciplina il caso di aeroporti con criticità limitate nel tempo, per una durata definita, es. cantieri per un massimo di due anni, entro il quale spazio temporale non consentire l'accesso di nuovi handler ove però fosse già garantita la concorrenza (due operatori presenti). Eventualmente potrebbe poi ricorrersi alla selezione tramite gara, ove nel frattempo arrivassero via via a scadenza le certificazioni, che l'Italia ha fissato di durata triennale. Non si ritiene opportuno allungare il periodo da 7 a 10 anni perché ciò sembrerebbe contrastare con la volontà di liberalizzazione del mercato introdotto con la direttiva. Queste considerazioni evidentemente risentono altresì del fatto che la maggioranza degli aeroporti italiani sono di piccole dimensioni.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

La possibilità di conflitto di interessi effettivamente può presentarsi (tanto più se si affida all'handler di categoria 1, la rappresentanza del vettore) e va evitato, ovvero vanno delineate attentamente le diverse figure ed i limiti.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In Italia l'ENAC ha introdotto una certificazione di durata triennale pertanto, nel caso di imposizione di limitazioni in un momento successivo alla liberalizzazione, considerato il valore aggiunto che l'handler ha conferito alle risorse e le legittime aspettative create con la certificazione stessa, considerati altresì i conflitti sociali che possono derivare dalla estromissione degli handler ( e relativi lavoratori) già presenti in aeroporto per sottoporli tutti a selezione tramite gara, si ritiene in primo luogo si debba fissare il numero massimo di soggetti in self-handling, dunque si possa aspettare la scadenza delle certificazioni e, successivamente, procedere con la selezione tramite gara ove ne fosse indicato un numero inferiore a quello esistente e risultati necessario estromettere alcuni. Nel caso il numero ammissibile invece fosse superiore si potrebbe lasciare che il mercato si selezionasse autonomamente, onde non provocare conflitti sociali a seguito dell'estromissione di handler già operanti per procedere tramite gara. Non solo, ma deve considerarsi altresì la sussistenza del rapporto contrattuale con il vettore e le ripercussioni anche sulla regolarità del servizio, che l'eventuale interruzione potrebbe provocare. Per un principio di pari opportunità e onde non produrre alterazioni del mercato, se dovessero essere introdotti dei criteri di selezione, questi non si ritiene comunque che possano essere diversi da quelli individuati per la selezione dei prestatori a terzi, principio da estendersi anche alla durata.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Non si condivide la previsione di un corrispettivo per l'accesso, si ammette invece quella di un costo congruo con relativo margine di remunerazione del capitale investito, da determinarsi sulla base della contabilità analitica, secondo parametri prestabiliti, con riferimento al metodo WACC. In Italia è stata emanata in proposito la legge 248/2005 e successive modifiche ed integrazioni e disposizioni ministeriali.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Si ritiene necessario mantenere in capo ad un'autorità indipendente la vigilanza sulla determinazione dei corrispettivi considerato che l'aeroporto si presenta come un monopolio naturale e che dunque un'azione di controllo da parte dell'autorità produce il sicuro vantaggio di

garantire trasparenza e non discriminazione e dunque consente di non aggirare, con strumenti di copertura, la norma comunitaria sulla liberalizzazione ed il rispetto delle pari condizioni.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Secondo la normativa nazionale sussiste una rigorosa ripartizione tra costi da imputarsi ai singoli servizi e relative tariffe. Si ritiene comunque opportuno un approfondimento in tema di separazione contabile e di flussi finanziari tra società considerato che l'ordinamento generale finanziario prevede invece che tra le imprese partecipate questa possibilità sia consentita attraverso il consolidato fiscale.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

In Italia i bilanci vengono pubblicati, non invece la parte relativa alla contabilità regolatoria/analitica, prevista, quest'ultima, dalla legge nazionale.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Non si ritiene che i tempi lunghi necessari per una selezione concorrenziale possano apportare un reale beneficio alla liberalizzazione, considerato che nella more del suo esperimento, sarebbe inevitabile un rafforzamento del monopolio del gestore aeroportuale nell'espletamento dei servizi a terra ovvero anche dell'handler storico. Si ritiene utile mantenere sempre un controllo da parte di una autorità pubblica indipendente considerato che l'aeroporto rappresenta comunque un monopolio naturale e dunque anche la pratica del controllo tra società andrebbe meglio approfondita a garanzia della trasparenza e liberalizzazione. A prescindere dalla natura del capitale, in Italia le società di gestione aeroportuali sono comunque società private; un'autorità pubblica di controllo si reputa necessaria per vigilare sul temperamento degli interessi privati e commerciali con quello pubblico del trasporto e tutela del passeggero. A questo proposito una modifica della direttiva potrebbe contenere norme più incisive per disciplinare queste pratiche di partecipazione societaria. E' sempre più frequente, tra i vettori aerei, la pratica secondo la quale gli stessi si affidano ad un unico handler su tutto il territorio nazionale. Anche gli handler, tra loro e per categorie di servizi, tendono a concludere forme di collaborazione associativa. Questi fenomeni potrebbero tutti trovare approfondimento in occasione della revisione della Direttiva, affinché non si traducano in fattispecie idonee a falsare la libera concorrenza.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Inizialmente potrebbe consentirsi l'occupazione secondo un criterio di temporalità della domanda, successivamente, in caso di spazi limitati e di più richieste per la loro occupazione, una soluzione potrebbe essere quella di mettere a gara le aree, via via che i rapporti di concessione arrivino a scadenza. Tuttavia, considerato che la superficie da destinare all'occupazione di persone e mezzi necessari per l'espletamento dei servizi non è estensibile all'infinito, e comunque non sempre nel breve periodo, potrebbero adottarsi dei criteri di accesso quali, per esempio, i seguenti: priorità potrebbe essere data all'ingresso di operatori che evitino la parcellizzazione delle categorie e, soprattutto in air side, in ragione dei riflessi sulla sicurezza operativa dell'area, si potrebbe privilegiare l'ingresso di handler che garantissero l'espletamento di tutti i servizi nell'area stessa; in subordine entrerebbero le società che assicurino singole categorie integralmente; infine l'esercizio frazionato di queste potrebbe essere autorizzato solo in assenza di evidenti controindicazioni operative. E' vero che non può determinarsi a priori quanto personale e quanti mezzi occorrono per ogni servizio di handling, essendo le variabili molto numerose, a cominciare, e solo a titolo esemplificativo, dalla tipologia dell'aereo, dalla qualità del servizio che il vettore

intende assicurare, dalla valutazione in momenti di picco o meno, dall'infrastruttura aeroporto. Tuttavia si potrebbe addivenire ad una verifica della disponibilità degli spazi a priori (per uomo e per macchina), sia in air side, che in land side, con la elaborazione di un piano di utilizzo e ripartizione da proporsi da parte del gestore aeroportuale e approvarsi da parte dell'autorità pubblica di controllo e aggiornarsi tempestivamente in ragione del mutamento dell'infrastruttura. Questo comporterebbe necessariamente di una intensa attività di vigilanza da parte dell'ente di controllo. E' evidente che criteri di riparto e valutazione sulla sussistenza/ripartizione degli spazi dovrebbero essere preventivi rispetto all'avvio dell'istruttoria per la certificazione degli handler, onde non ingenerare aspettative

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

v. risposta quesito 18.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

A distanza di un decennio dalla liberalizzazione del mercato dell'handling i costi dei servizi si erano abbassati, ma la qualità dei servizi anche. L'ENAC ha ritenuto pertanto necessario intervenire con una propria regolamentazione che, nell'ambito dei requisiti richiesti dalla norma comunitaria, come recepiti dalla norma nazionale (art. 13, d.lg. 18/99), li sostanziasse con evidenze documentali, organizzative e gestionali di rigore. L'ENAC ha previsto, per le imprese di handling, una certificazione triennale, rinnovabile a richiesta, a seguito dell'esito positivo della vigilanza sul mantenimento dei requisiti condotta dall'ENAC medesimo nel corso del triennio stesso. Ai fini del riconoscimento di idoneità, i richiedenti devono dimostrare di possedere un alto livello di professionalità atto a garantire elevati standard di sicurezza, regolarità e qualità nello svolgimento dei servizi. L'impresa deve essere organizzata in modo da prevedere una struttura di esercizio efficace per la gestione e la supervisione dei vari settori operativi, prevedere un sistema di addestramento del personale conforme ai delicati compiti da svolgere, dotarsi di un manuale delle operazioni in cui riportare anche le risorse umane e strumentali disponibili, oltre che le procedure per la gestione dell'attività ordinaria e delle emergenze. L'adozione uniforme, a livello europeo, delle modalità di accertamento della sussistenza dei requisiti di idoneità, con un riconoscimento, in reciprocità, delle verifiche effettuate, può contribuire ad un abbassamento dei costi a seguito di una riduzione del numero dei controlli generalmente effettuati da parte dei vettori, oltre che, per i contenuti delle ispezioni, ad una riduzione degli incidenti/ricadute negative. Agevolerebbe altresì la circolazione del lavoro e delle imprese.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Alla luce dell'esperienza maturata, considerato che l'aeroporto, almeno nel breve periodo, è una infrastruttura definita, può rivelarsi opportuno introdurre forme di accesso regolamentato degli handler nuovi entranti per il caso di limitazioni temporanee, che intervengano successivamente al raggiungimento della soglia di liberalizzazione, sempre che sia assicurata la concorrenza di almeno due operatori, di cui almeno uno indipendente.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Per quanto riguarda l'Italia, dove solo due aeroporti superano la soglia dei 10 milioni passeggeri annui, si ritiene non opportuno modificare il numero dei prestatori minimi per assicurare la liberalizzazione sugli aeroporti stessi. Considerata l'attuale congiuntura economica negativa e la scarsa massa critica esistente su alcuni aeroporti, può essere invece opportuno approfondire la possibilità di modifiche del livello della soglia.



(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

v. risposta quesito 22

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

L'ENAC ha già provveduto, considerata la propria potestà regolamentare, a ridefinire i criteri per il riconoscimento dell'idoneità dei prestatori a seguito dei disservizi riscontrati nelle prestazioni e per le ricadute negative che gli stessi provocavano. E' stata così introdotta la necessità di una specifica organizzazione d'impresa e la previsione di un piano di attività d'impresa triennale, la redazione di un manuale delle operazioni, contenente tra l'altro riferimenti alla formazione del personale, ed un riscontro sulla manutenzione dei mezzi impiegati, onde garantire un alto livello di professionalità nell'espletamento del servizio. Viene altresì richiesto un sistema interno di controllo di qualità da parte degli handler. Questo contribuisce a garantire la sicurezza e la regolarità dei servizi e dunque del trasporto aereo oltre a diminuire i costi e le conseguenze negative dei disservizi.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

v. risposta quesito 24.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Si ritiene che la Direttiva debba fare molta chiarezza e approfondire questo aspetto considerata altresì l'evoluzione della tipologia degli accordi commerciali tra vettori ed il loro incremento. La preoccupazione potrebbe essere quella di incidere sulla liberalizzazione potendo riscontrare sempre lo stesso handler ( con preteso riconoscimento dell'autoproduzione per tutti i vettori parti dell'accordo commerciale) su tutto il territorio nazionale ( forse poi europeo) piuttosto che liberalizzarlo. Certo è che i vettori, come anche gli handler tendono sempre più a creare fenomeni associativi, è pertanto sicuramente una fattispecie da approfondire.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

A proposito del trasporto merce che, considerato l'alto grado di specializzazione professionale che richiede, è generalmente assistito in autoproduzione, si ritiene, per la stessa ragione, che la materia possa essere lasciata alla naturale attuale selezione, visto che qualsiasi modifica comporterebbe per la realtà di fatto un radicale cambiamento ed un periodo transitorio difficilmente privo di ricadute negative nel breve periodo.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Parte degli operatori considerano la categoria 1 un servizio altamente specializzato, altri invece lo ritengono un servizio che non richiede alcuna specializzazione. con per la verifica del servizio svolto a favore del vettore stesso da parte di altri handler ed in particolare dal gestore soprattutto su aeroporti sottosoglia e dunque non ancora liberalizzati. Può invece essere di sola rappresentanza come riporta letteralmente la previsione attuale, anche se il concetto di rappresentanza andrebbe mutuato dalle singole legislazioni dei paesi europei. Si reputa comunque necessario un approfondimento perché sarebbe opportuno da una parte una semplificazione delle modalità di certificazione dell'idoneità che riguarda la categoria e dall'altra è importante valutare le conseguenze derivanti dall'attribuirle funzioni di longa manus del vettore. Infine, si ritiene che la

sottocategoria 1.3 debba essere scorporata dalla categoria 1, in funzione della diversa professionalità che necessita, rispetto a quella invece omogenea prevista per le altre sottocategorie. Questa sottocategoria 1.3 potrebbe essere inserita nella categoria 4, peraltro così contribuendo ad eliminare il dubbio che quest'ultima riguardi solo la merce internazionale .

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

A questo proposito l'ENAC segnala due problematiche. a- la direttiva non è molto chiara sulla titolarità di colui al quale riservare la gestione delle infrastrutture centralizzate. Secondo l'ENAC, salvo situazioni consolidate pregresse, dovrebbe essere riservata al gestore dello scalo per non modificarne il ruolo gestionale in relazione alle responsabilità allo stesso attribuite dalla recente normativa di settore. Si rischierebbe altrimenti di riconoscere al gestore medesimo un ruolo prettamente commerciale. b- Sovente oltre che ad infrastrutture centralizzate si fa ricorso, secondo una prassi diffusa sul territorio nazionale, ed a prescindere dal dettato normativo, a "servizi centralizzati" in ragione delle stesse motivazioni richieste per la individuazione delle infrastrutture centralizzate, pur essendo servizi. Es. coordinamento di scalo e follow me. Si ritiene che la direttiva possa essere utilmente emendata tenendo conto dell'evoluzione del settore .

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Si ritiene necessario affrontare la problematica nascente in caso di necessità di imposizione delle limitazioni successivamente all'intervenuta liberalizzazione. L'ENAC propone una regolamentazione transitoria per il caso che si tratti di limitazione temporanea causata da eventi particolari per un tempo definito, es. cantierizzazione per un massimo di due anni: questo in considerazione dell'ampia ricaduta sociale che può provocare l'interruzione del servizio nei confronti del vettore, dei passeggeri e dei lavoratori per il caso in cui si decidesse di far cessare l'attività agli handler già operanti per consentire l'accesso in aeroporto solo a seguito di pubblica selezione (secondo una interpretazione meramente letterale del combinato disposto degli artt . 6.2 e 11 della direttiva comunitaria). L'ENAC valuta altresì opportuno concordare a livello europeo le tecniche di verifica dell'idoneità dei prestatori di servizi così contribuendo, da una parte, alla libera circolazione del lavoro e delle imprese all'interno della comunità e, dall'altra, a diminuire i costi e migliorare le prestazioni e addivenire, altresì, ad elaborare un sistema coordinato che tenga nel debito conto, gli standard aeroportuali, dei prestatori di servizi e dei vettori utenti. Potrebbe essere infine rilevante elaborare un manuale di riferimento per la formazione del personale handling nei vari settori di servizio. L'ENAC reputa necessario approfondire le tematiche relative agli scorpori di ramo d'azienda, alle partecipazioni societarie, ed agli accordi commerciali tra vettori in particolare per le conseguenze che possono determinarsi in relazione alla chiusura del mercato ed al controllo dello stesso, oltretutto per le ripercussioni sul personale dipendente. Dovrebbe altresì tenersi conto della congiuntura economica critica e approfondire la determinazione del parametro di valutazione di solidità economica dell'impresa. Altro elemento oggetto di investigazione si ritiene debba essere la determinazione della congruità del massimale assicurativo per i diversi servizi di handling, tenuto conto delle numerose variabili che ciascuno di questi coinvolge e dunque della necessità di addivenire ad un dato certo riconosciuto. Per le diverse professionalità richieste per l'espletamento del servizio, si reputa opportuno approfondire il mantenimento dell'inserimento della sottocategoria 1.3 nella categoria 1, dell'allegato A della direttiva, della sottocategoria 5.7 all'interno della categoria 5 piuttosto che nella 11 e della sottocategoria 6.2 nella categoria 6. Una fattispecie che merita approfondimento potrebbe infine essere la previsione di sanzioni a carico degli handler in caso di disservizi.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Sicuramente le piccole e medie imprese risentono maggiormente delle congiunture negative e faticano a rimanere concorrenziali mantenendo alti livelli di standard e corrispettivi competitivi. A questo proposito si consideri altresì che il contratto di lavoro dei prestatori di servizi non può non tener conto delle caratteristiche particolari del tipo di attività che viene svolta di sovente in modo discontinuo, anche nell'arco della stessa giornata, così ostacolando una fluida organizzazione del lavoro. L'Italia ha solo due aeroporti con un traffico superiore ai 10 milioni di passeggeri annui, per i quali eventuali disservizi comporterebbero a cascata ricadute sociali notevoli (per il servizio aereo ed i passeggeri) difficilmente fronteggiabili tempestivamente, e pertanto l'ENAC, senza che ciò possa sembrare discriminazione, ritiene di dover richiedere un maggior rigore per la certificazione degli handler per l'accesso in questi aeroporti (es. attività consolidata nel settore).

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Belgian Civil Aviation Authority**

National government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The Belgian Civil Aviation Authority (BCAA) is responsible for the Groundhandling Regulations at Brussels Airport. BCAA is guided by the underlying objectives of the EU Directive taking into account the national conditions and the nature of the airport's operations. BCAA would like to consider the current problems connected with the implementation of the Directive and eventually to contribute to certain improvements.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Subcontracting by third-party handlers should be permitted by the Directive under the same conditions as the official handler, in order to prevent security/ safety problems and social distortion. During the tender procedure the applicant should disclose potential subcontractors. In other words there should be an approval procedure in order to prevent safety, security and space constraints problems (subcontractors can take more space than expected for the official handler). At national level there is a discussion between subcontracting to one level, and subcontracting to certain services (only for specialists in groundhandling). Subcontracting by self-handlers should not be allowed.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Company certification by the State based on the safety/security and quality requirements should be prerequisite for organisation and for participation in the selection process. However a transition procedure should be in place for new entrants or existing handlers of new locations. Besides company certification there should be licensing of qualified staff.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Protection of the rights of workers is normally outside the scope of the Directive; however the working conditions and staff transfer is an important issue. Some of the advantages are (e.g.) avoiding discharge compensations, protecting the employees, more competition and social peace. Are staff transfer measures a complex matter? We think that protection of the staff could be also realised by qualified staff certification.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Safety and security measures could be improved.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

This issue should not be regulated by this Directive.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

We have a total of 29 groundhandling incidents: - Ground handling services (fuelling, catering and fluid servicing): 5 - Take off overweight- incorrect centre of gravity: 3 - Incorrect fuel balance: 5 - Incorrect loading:5 This proves that certifying handlers and oversight of handlers is necessary.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Tender contracts for 7 years have certain disadvantages in terms of investments and the possibility to spread depreciations, and to pursue more rational investment strategies with respect to equipment and staff. However there is an increasing trend to lease equipment and therefore too long contract should be certainly avoided because it can lead to loss of quality and competition. 10 years contract could be acceptable if it is linked to the opening of the market and at least 3 third parties handlers are allowed.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

AUC should be more involved in the consultation. When the AUC's recommendations are not followed, the airport should be obliged to justify its decision. The Directive does not clearly define the role and the composition of the AUC. There should be more clarity and more guidelines for the internal functioning of AUC. Dominant carriers and conflict of interests (groundhandlers cannot be entitled to choose their competitors) should be avoided. The creation of an independent economic regulator including BCAA could be a possibility to solve disputes between the AUC and the airport authority.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Introducing a mechanism to select self-handling providers can improve for example safety/security and transparency. Self-handlers should comply with the same safety/ security standards, as the third-party handlers. Quality standards could be also introduced if there is an impact on the airport activities.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Defining more precisely elements for accessing the fee will contribute to more transparent and cost-efficient consultation with the airport users. The calculation of the accession fee should be transparent, e.g. according to the following steps: calculating the fee using accountancy and economic principles and then benchmarking with referential airports.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

The supervision of an independent authority can contribute to more transparent and cost effective process (e.g. cost transfer to carries in place of to handlers). However we should avoid that the

procedure for the functioning of the economic regulator creates extra costs and should bring more burden or costs than benefits.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Brussels Airport doesn't operate as a groundhandler at the moment. A legal separation could give more precision to the separation of the accounts, but we don't support this view because there is no evidence that it would be more efficient than the current separation of accounts. Regularly financial auditing and creating more transparency by an economic regulator could be sufficient.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

It is not necessary to introduce more precisions about the independent examiner's checks. The independent examiner should have the needed expertise. More transparency could be created in the following manner: 1. The independent examiner reports to BCAA 2. AUC receives a copy of the report 3. Introduction of consultation and complains procedure

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

There should be no exemptions from the selection procedure. This gives more quality, safety/ security and creates more competition.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

We do not support auctioning of airport premises because it can foster the accumulation of market power through the use of financial resources without necessarily providing the best services. Creating dominant positions could lead to an increase in prices, which can be passed directly on to the airlines. The best way to manage space is to regularly: - Organise proper consultations among the airport users, the competent authority and the managing body of the airport - Take joint decisions based on objective and transparent criteria - These criteria should reflect the potential traffic developments, airport capacity and market potential and should serve as a basis for a pre-selection procedure, however new entrants should not be prevented if there is enough potential.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See question 18.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Quality, safety/ security levels, compulsory approval procedures by Member States and conditions for economic regulation could be a subject for harmonisation.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Brussels Airport does not have the potential to a full opening of the market. The possibility to extend the groundhandling market to 3 handlers could be considered. In several airports with more than 3 groundhandlers, financial losses and withdrawal from the market have been observed. Excessive competition should be avoided.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

No suggestions to change the threshold level. Introduction of minimum observation period (e.g. 3 years) can better reflect traffic fluctuations. It has to fall above or under the threshold for 3 consecutive years in order to be subject to or to be exempted from the relevant provisions of the Directive. Once the Directive becomes applicable it should remain applicable at least for the duration of a contract period.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

See question 22.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

One of the advantages can be better harmonisation through all Europe, better quality, safety/ security and less social dumping.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Training provisions, quality measures and qualification for individual licensing should be part of the criteria. See also question 24.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

It should be clear what should be the limits of self-handling. For instance what is the position of integrators (e.g. DHL who is doing self-handling for EAT and other companies)?

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

No suggestions.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

It is not necessary to amend the definition.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

There should be a link between the concept of centralised infrastructure and the calculation of the accession fee.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

If no third party handlers are available, the airport should provide the service. The place of General and Business Aviation should be revised.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Gazdasági Versenyhivatal - Hungarian Competition Authority**  
National government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

A Gazdasági Versenyhivatal (továbbiakban GVH) tevékenysége három fő pilléren nyugszik, melyek a versenyfelügyeleti eljárások lefolytatása, a versenypártolási tevékenység valamint a versenykultúra terjesztése, fejlesztése. A GVH versenypártolási tevékenységéhez kapcsolódóan előnyben részesíti és támogatja a versenyt ösztönző intézkedéseket, a verseny hiányának vagy korlátozott voltának negatív hatásait kezelni kívánó intézkedésekkel szemben. Emellett fontos azt is jelezni, hogy a versenyt korlátozó szabályozási beavatkozásokat akkor tudja elfogadni, ha a korlátozás az elérni kívánt céllal arányos, azaz nem jelenti a verseny indokolatlan korlátozását. A GVH tevékenysége során áttekintette a magyar földi kiszolgálási piacot, melynek során a jogszabályi környezetet is feltárta, és jelen nyílt konzultáció keretében észrevételeit az európai szinten is ki kívánja fejteni. A GVH véleménye szerint a földi kiszolgálási piac vonatkozásában a jogszabályok tagállami harmonizációját segítené, ha az irányelvi rendelkezések konkrétabb iránymutatást adnának az engedélyezés módjának vonatkozásában, emellett néhány további területen - melyek az egyes felvetésekre adott válaszoknál kerülnek kifejtésre az alábbiakban- szükségesnek találja az irányelv pontosítását.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Véleményünk szerint a téma felvetése az engedélyezés jelenlegi rendszerének módosítási igényéhez kapcsolódik, miszerint egységesíteni szükséges azokat a szakmai feltételeket, amelyek teljesítése révén az egyes vállalkozások az Európai Unió területén földi kiszolgálási tevékenység végzéséhez engedélyt szerezhetnek. A GVH véleménye szerint az egyes földi kiszolgálási tevékenységeket differenciáltan szükséges kezelni az alvállalkozók bevonásának kérdésében is. Pl. a catering tevékenységek esetén nem látjuk akadályát alvállalkozók bevonásának, de a forgalmi előtérrel előforduló feladatok esetében mindenképpen csak olyan vállalkozás tudja a földi kiszolgálási feladatokat - a repülésbiztonsági feltételeket is teljesítve - ellátni, amely a szükséges szakmai feltételeket is kielégítően teljesíti. Tehát utóbbi esetben azt tartjuk célravezetőnek, ha csak engedéllyel rendelkező vállalkozás lehet alvállalkozó, azaz a fővállalkozó önálló felelősségvállalása mellett az alvállalkozó is felelősséggel tartozik.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Azt nem tudjuk megítélni, hogy a minőségi kívánalmaknak lehet-e valamiféle optimális kombinációja, ellenben véleményünk szerint a szakmai követelmények egységes bevezetése mindenképpen növelné az iparágban a transzparenciát is, a szolgáltatások megfelelő minősége mellett.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Nincs vélemény.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Nincs vélemény.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Ennek csak akkor látjuk szükségét, ha az adott tagállamban a légitársaság nem rendelkezik egyéb, jogi képvisellel, ellenkező esetben szükségtelen intézkedés, azonban bevezetése mindenképpen előnyös volna pl.: az utas panaszok megfelelő kezelését tekintve. A légitársaságokat érintő egységes rendelkezés volna, ha az általuk használt repülőterek vonatkozásában jeleznék honlapjukon, hogy azokon önálló képvisellel, vagy földi kiszolgáló, esetlegesen egyéb társaság révén biztosítják képviselüket.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Nincs vélemény.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

A GVH nem látja azokat a szükséges beruházásokat, amelyek csak akkor térülnek meg, ha a kiválasztási eljárásban meghatározott időszak 7 évről 10 évre kerülne módosításra. Véleményünk szerint csak akkor lehet megfontolás kérdése ennek eldöntése, ha a vállalkozások hitelt érdemlően be tudják mutatni üzleti tervezésükben a 7 éves keret kibővítésének szükségességét.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Szükséges lehet leszögezni az irányelvben is, hogy a Repülőtér-használók Bizottságának véleményét a korlátozásról szóló döntés meghozatalakor érdemben figyelembe kell venni. Azaz álláspontunk szerint a döntési folyamat részét kell képezze a konzultáció a Repülőtér-használók Bizottságával lehetőleg írásos formában, ahol a korlátozásra vonatkozó döntés meghozójának a Repülőtér-használók Bizottsága által felvázolt javaslatokat is érdemben figyelembe kell vennie, és egyet nem értés esetén eltérő álláspontját indokolnia szükséges. A döntési folyamatban való részvétel technikai megvalósításának kérdésében együttműködési megállapodás létrehozását javasoljuk a döntéshozó és a Repülőtér-használók Bizottsága között, amelynek fontos eleme a transzparencia, valamint a vélemények kiegyensúlyozott megnyilvánulásának biztosítása.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Véleményünk szerint előnyt jelentene, mivel transzparenssebbé tenné a piacot. Mindazonáltal ennek piaci súlyát nem tudjuk megítélni, mivel a GVH látókörébe a harmadik feles kiszolgálás problémája került.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Előnyt jelenthet, hogy nagyobb transzparenciát biztosít a piacon. Viszont hátrányos lehet akkor, ha ezen tényezők figyelembevételével kapcsolatban rugalmatlan rendszer kerül kialakításra, amely nem teszi lehetővé a piaci változásokhoz való (költséghatékony) alkalmazkodást.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Egy újabb független hatóság felállításának nyilvánvaló hátránya, hogy a piaci szereplőkre újabb felügyelet felé fizetendő díjat helyez kilátásba a szervezet működtetésének finanszírozása végett. Azonban a 2009/12/EK irányelv alapján felállítandó hatóság feladatköreinek bővítésével ez a finanszírozási igény valószínűleg nem lesz olyan mértékű, amely a vállalkozások számára elviselhetetlen lenne. A független szerv által végzett monitoring tevékenység egyértelműen növelné a piaci transzparenciát a centralizált infrastruktúra elemek (nélkülözhetetlen eszközök) üzemeltetési, működtetési költségeinek áttekintésével.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Számviteli elkülönítésre kötelezett minden olyan földi kiszolgálási tevékenységet végző társaság, amely repülőtér irányító szervezete, a repülőtér-használó vagy a földi kiszolgáló szervezet. A számviteli elkülönítésnek szabályozási szempontból azon társaságoknál van különös jelentősége, amelyek olyan szolgáltatást is nyújtanak, amelyek vertikálisan (downstream vagy upstream piacon) kapcsolódnak a földi kiszolgálási tevékenységhez. Ezen társaságok esetében gondoljuk azt, hogy minimálisan szükséges lehet földi kiszolgálási engedélyükben leszögezni, hogy éves beszámolójukat a megfelelő számviteli elkülönítés bemutatására minden évben a független hatóságnak megküldeni kötelesek, aki annak elfogadásáról határozatban dönt. Ezzel mindenképpen elkerülhetőnek tűnik a földi kiszolgálás piacát károsan befolyásoló keresztfinanszírozás lehetősége.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Szükséges lehet, hogy a számviteli szétválasztás tartalmát tekintve részletesebben kerüljön meghatározásra, akár egy közös iránymutatás keretében, vagy tagállami szinten a jogalkotók/jogalkalmazók erre való felhívásával. Eddigi tapasztalataink alapján a piaci szereplők számára nem egyértelmű, hogy a megfelelő számviteli szétválasztás mit foglal magába, azaz pl. az egyes tevékenységekre vonatkozó mérleg, eredménykimutatás, kiegészítő melléklet és költségkimutatás elkészítését, valamint további magyarázó szöveges értékelés elkészítését is tartalmazza-e.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Véleményünk szerint a tender alapú kiválasztási eljárások a jelenleg általunk tapasztalt kiválasztási eljárások közül a leginkább átláthatóak. A GVH támogatja azon kiválasztási eljárások elterjedését és alkalmazását, melyek esetén az átláthatóság és egyenlő elbánás biztosított, hiszen ezek révén látja biztosítottnak a piac fejlődését a piacr lépés objektív szükségszerűséből fakadó korlátozásának esetén.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Véleményünk szerint a probléma megfelelő kezeléséhez elsődlegesen szükséges azon minimális területhasználati igények objektív felmérése és tisztázása, az időbeliség szempontjait is figyelembe

véve, amelyek révén az egyes földi kiszolgálási tevékenységek elláthatóak. Konkrét tapasztalatok ebben a témában nem állnak rendelkezésünkre, azonban véleményünk szerint a felvetés a korlátozás problémájának alternatív megközelítése, ezért nem csak egyes tényezők, hanem a földi kiszolgálási szolgáltatás egészének figyelembevételével érdemes a problémára megoldást keresni.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Nincs vélemény.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

A földi kiszolgálási piac teljes megnyitása hozzájárulna a verseny erősödéséhez, mely csökkenő árakat és jobb szolgáltatásminőséget eredményezne, azonban valószínűleg a repülőtéri kapacitáskorlátok miatt erre csak korlátozott lehetőség van. Ettől függetlenül szükségesnek látszik a kiszámíthatóság növelésének érdekében, hogy a tevékenység engedélyezésének feltételei az EU szintjén kerüljenek harmonizálásra, amit véleményünk szerint a repülésbiztonság növelése is megkövetel. Mindazonáltal törekedni kell arra, hogy az egységes szakmai feltételek kialakítása ne vezessen a szektor túlszabályozásához sem.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Nincs vélemény.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

A küszöbök differenciálásának technikai megvalósíthatóságát nem tudjuk megítélni, ellenben üdvözlendőnek tartjuk, hogy nagyobb repülőtér méret mellett több társaság is szereplője lehessen a földi kiszolgálás piacának, hiszen így a versenypiaci körülmények jobban érvényesülhetnek.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

A Budapesti Ferihegyi Repülőtéren azt tapasztaltuk, hogy a repülőtér T1 terminálja elkülönül a T2 termináltól, így indokoltnak látjuk, hogy mindkét terminál esetében minimum két földi kiszolgáló közül lehessen választani (amely így azt is jelentheti, hogy min. négy földi kiszolgáló jelenhet meg a repülőtéren). Tehát azt a szempontot is érdemes figyelembe venni, hogy a nagy forgalmat lebonyolító repülőterek esetében az egyes terminálok mennyire tekinthetőek elkülöníthetőnek egymástól, amellett, hogy mekkora hasznos kapacitás áll rendelkezésre a földi kiszolgálási tevékenységek végzéséhez.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

A magyar légiközlekedési hatóság (Nemzeti Közlekedési Hatóság - Légiközlekedési Igazgatóság) a földi kiszolgálás végzéséhez szükséges hatósági engedélyt ad ki a hozzá folyamodó társaságok kérelmére. Adott társaság által benyújtott kérelemnek egyaránt tartalmaznia kell a folytatni kívánt tevékenységek listáját, a repülőtér megnevezését, ahol azokat folytatni kívánja, valamint azokat a repülőgéptípusokat, amelyek vonatkozásában a földi kiszolgálást végezni kívánja, ami mellett szakmai és egyéb okiratokat szükséges csatolni. Tehát Magyarországon nem az irányelvi

rendelkezéseknek megfelelő jóváhagyási rendszer, hanem a tevékenység adott repülőtéren való végzésének engedélyezési rendszere van érvényben.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Véleményünk szerint a hatósági döntés esetében az lenne lényeges követelmény, hogy ez egyben a tevékenység végzésével kapcsolatos szakmai képesítő kritériumok meglétét és megfelelőségét is jelentse. Annak megjelölése, hogy mely repülőtéren kívánja a társaság folytatni a tevékenységét nem szükséges döntési faktor.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Nincsen szakmai álláspontunk.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Ezzel kapcsolatban az is felmerül, hogy szükséges lehet pontosabban elkülöníteni a személyszállító és az áruszállító repülőgépek földi kiszolgálását. Több tevékenység végzése szempontjából ezek nem tűnnek egymást átfedő tevékenységeknek, és tapasztalataink alapján általában elkülönült repülőtér-részen vagy a személyszállító légitársaságok menetrendjén kívüli időpontokban történik a cargo gépek földi kiszolgálása. Adott esetben a földi kiszolgálók számának korlátozása esetén is döntési faktor lehet további társaságok beengedése a repülőtérre, ha azok kizárólag cargo gépek kiszolgálására specializálódnak.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Nem tudjuk megítélni.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

A központi infrastruktúrákkal kapcsolatban nem látunk olyan további generális pontosítást, amelyet megfelelőnek ítélnénk. Valószínűleg esetről-estére lehet a központi infrastruktúrák piaci súlyát, szerepét, valamint kezelőjük magatartását értékelni, amelyekkel kapcsolatos piaci problémák véleményünk szerint versenyfelüyeleti eljárások keretében ex post kezelhetőek.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

A földi kiszolgálási szolgáltatások csoportosításával kapcsolatosan a piaci gyakorlatot leginkább az IATA SGHA (Standard Ground Handling Agreement) képezi le, erre való tekintettel javasoljuk az irányelv mellékletének áttekintését. Hangsúlyozzuk, hogy a repülőtér-rész fogalmának meghatározása és alkalmazása nagyobb teret engedhet a versenynek olyan repülőtereken, ahol az egyes terminálok elkülöníthetőek egymástól.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Nincs információnk arról, hogy a tagállami hatóságokon, valamint a repülőtér-használókon kívül más szervezetekhez érdemes-e fordulni a megfelelő információk megszerzése érdekében.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**LFV Group of Airports and ANS, SWEDEN**

National government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

COO Stockholm-Arlanda Airport

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

. Markttjänstbolag har fritt och öppet tillträde till svenska flygplatser under förutsättning att de uppfyller flygplatsens krav i fråga om safety, security och miljöpåverkan. Tillträdet regleras genom verksamhetsavtal som också lägger fast avgiften för nyttjandet av flygplatsens infrastruktur. Licensen reglerar dessutom att om markttjänstbolaget önskar använda sig av underleverantörer i sin verksamhet på flygplatsen så skall även denna underleverantör ha en egen licens för att få tillträde till flygplatsen. Så länge som det är ostridigt att flygplatsen kan kräva ett licensavtal med varje aktör som vill ha tillträde till flygplatsen för att där erbjuda sina tjänster, är det inte problem med att markttjänstbolag kan kontraktera underleverantörer förutsatt att dessa underleverantörer har egen licens på tillträde till flygplatsen.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

LFV förordar en skrivning som gör det obligatoriskt för flygbolag som trafikerar flygplats med tidtabellbunden återkommande trafik, att utse en officiell representant vid flygplatsen. Representationen kan i förekommande fall, utföras av flygbolaget utsett markttjänstbolag. Genom detta förfarande finns för flygplatsen en naturlig utsedd "speaking partner" som gör det möjligt att direkt komma i kontakt med flygbolaget. Flygbolaget ges dessutom möjlighet, ev. via markttjänstbolaget att medverka i AOC/AUC till nytta för branschen som helhet. För resenären ger det direkta fördelar när behov av kontakt finns vid t.ex. lost baggage eller när andra problem uppstår. Om ingen representant finns utsedd minskas möjligheten till direkt dialog med flygbolaget. Anonymiteten ökar och flygplatsen riskerar att få träda i flygbolagets ställe vid klagomålshantering etc. För resenären blir situationen ohållbar eftersom ingen vill eller kan ta ansvar för flygbolagets verksamhet vid flygplatsen.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Ja, LFV har upplevt problem när marktjänstbolag använder sig av bemanningsföretag. Idag används både subcontractors och resurser från bemanningsföretag och detta leder till problem bl.a. i ansvarsfrågan avseende behörighetshandlingar. Används subcontractors är ansvarsfrågan lättare med ett tydligt ansvar för personalen och det kan regleras med licens/securityavtal. När bemanningsföretag används är det inte ovanligt att personen arbetar åt olika företag med olika behörighet och behörighet till olika områden. Är bemanningsföretaget ansvarig för att personen endast vistas på behöriga områden eller är uppdragsgivare ansvarig? Oklarheten kan leda till att personen har ett antal behörighetshandlingar till SRA eller CSRA. Påföljden vid missbruk av behörighetshandling blir svår att genomföra då ansvarsfrågan är oklar. Frågan om vem som har ansvar för personen under förflyttning från en uppdragsgivare till en annan är oklar och skulle behöva klargöras. Detta kan även ge allvarliga konsekvenser vid verksamhet på airside. Den enskildes engagemang och ansvarstagande riskeras att minska. För flygplatsen blir det därmed svårare att leda safetyarbetet på airside eftersom delat ansvar kan leda till inget ansvar.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Eftersom de svenska flygplatserna inte har någon begränsning av antalet leverantörer av marktjänster så används inte möjligheten till urvaloch regleringen påverkar därmed inte den svenska marknaden

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Eftersom LFV inte begränsar tillträdet blir frågan inte aktuell här. LFV kräver att den som vill ha tillträde till flygplatsen för att där erbjuda sina tjänster skall ha en god ordning som säkrar safety, security och miljökrav. Dessa krav läggs fast i den licens företaget kan anhölla om för att få tillträde. Dessa generella licenskrav konsulteras med AUC och deras synpunkter har tillgodsetts innan de, av ledningsenheten på flygplatsen, beslutats vara standardvillkor. Hittills har de föreslagna kraven accepterats av AUC (Airline User Committee)

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

LFV har hittills inte haft något behov av att begränsa antalet.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Ett klarläggande att resonemangen i Oslo-domen mellan Avinor och LSG Sky Chefs (Sak nr 02-08843-A/48 dat 2004-02-03) är i linje med direktivets intentioner och bör gälla inom hela EU skulle kunna undanröja misstolkningar av direktivet

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

En myndighetövervakning kommer att lägga till ytterligare kostnader för administration och kontroll samt direkta kostnader för ev. regleringsåtgärder. LFV förordar istället ett klarläggande att resonemangen i Oslo-domen stämmer överens med direktivet. (se fråga 13)



(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

LFV har inte erfarit att någon aktör försökt snedvrída konkurrensen på ett sätt som skulle avhjälpas med separerad bokföring

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Se svar föregående fråga

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

LFV anser inte att Direktivet skall föreskriva att flygplatser måste genomgå tender-process. . Ett starkt motiv för att flygplatser naturligen ska ha en särställning, så att man inte riskerar att stängas ute från sin egen verksamhet, är att marktjänsten är del av flygplatsens eget verksamhetsområde och att flygplatsen ytterst är ansvarig för att det finns en fungerande och kostnadseffektiv marktjänst.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

LFV anser att lokal reglering och lokala förslag fokuserade på att lösa problemen mellan flygplatsaktörer framstår som det bästa alternativet för att undvika ökade kostnader. Här kan inte utökad lagstiftning lösa problemen

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

LFV har redan en öppen marknad utan andra begränsningar än de i direktivet angående storleken 2 milj årspassagerare eller 50 000 ton gods.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Se föregående fråga

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

. LFV stöder förslaget om en ny "mechanism" som skulle innebära att en flygplats ska överskrida relevant tröskelvärde under tre påföljande år innan den per definition skall hänföras till aktuella delar i direktivet. Fördelar: - Förslaget innebär att man minskar risken för att nya ground-handlingoperatörer kommer in på en osäker marknad - Med fler aktörer på en marknad behöver

sannolikt en flygplats göra anpassningar i infrastruktur. Om marknaden viker och därmed inte utgör underlag för flera aktörer behövs inte längre ny infrastruktur. Detta kan innebära en betydande ekonomisk risk för såväl flygplatser som ground-handlingoperatörer och flygbolag. Med införandet av nytt förslag minimeras denna risk.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

LFVs flygplatser använder ej begränsningar varför frågan inte är aktuell. Generellt är dock tanken logisk och LFV har inga invändningar mot tröskelvärden

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

LFV anser att definitionen av self handling är mkt viktig för flygplatser med mellan 1-2 miljoner årspassagerare eftersom det åligger flygplatsen att se till att marktjänst finns tillgänglig. Det borde finnas en koppling mellan self handling och flygbolagets AOC (Airline Operators Committee)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Terminaloperatörer inlemmar ofta specialister från olika speditörsföretag vid lastnings- och lossningsprocesserna av värdeförsändelser vilka rent försäkringsmässigt och av säkerhetsskäl, övervakar dessa processer. Flygplatsen kan därför skriva ett verksamhetsavtal med dessa speditörsföretag där vi reglerar rättigheter och skyldigheter för att få tillträde till behörighetsområdet (Airside). Därvid kan LFV, i verksamhetsavtalet, skriva in skyldigheten att speditören har en organisation som kan närvara vid aktuella transporter, oavsett tidpunkt. Detta fungerar idag på Stockholm-Arlanda men ett problemområde har visat sig vara att flygplatsen ej legalt kan påverka prissättningen ut mot kund för denna tjänst. Detsamma gäller rent generellt för förhållandet mellan brukare (flygbolag) och leverantör av marktjänst (G/H-bolag). Flygplatsen kan i verksamhetsavtal skriva in gemensamt överenskomna regler för G/H-bolagens skyldighet att tillhandahålla marktjänst åt den som efterfrågar detsamma men flygplatsen kan (och vill ej?) påverka G/H-bolagets prissättning av marktjänsten. Detta i sig innebär att G/H-bolaget kan "prisa" sig ur oönskade uppdrag genom oskäligt hög prissättning av sina tjänster. Eftersom flygplatsen valt att överlåta all marktjänsthantering åt fristående företag så finns det inom flygplatsens organisation ingen funktion som kan täcka upp för de marktjänstförfrågningar som passar G/H-bolagen illa rent resursmässigt. Detta förhållande leder till att ett flygbolag som angör flygplatsen på "Ad Hoc-basis", huvudsakligen freight charters, får ett oskäligt högt pris jämfört med "ordinarie" prissättning och flygbolagen upplever då flygplatsen som mindre attraktiv för framtida trafik. Flygplatsen får i dessa fall en otillbörligt dålig image vilket inte är önskvärt. Vi har inget förslag till lösning men problemet är påtagligt. Kan IATA hjälpa till?

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and

disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Federal Ministry of Transport, Building and Urban Development**

National government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Ministry responsible for the implementation of Directive 96/67/EC in Germany.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The current regulation is sufficient.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

No additional regulations required, because all parties concerned are greatly interested in a qualified provision of services. The determination of minimum quality standards is made through tenders taking into account the local conditions of the individual airport.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Advantages: Adequate pay of the groundhandling staff. The social standards of the staff are maintained. Better qualification and motivation of the staff. Disadvantages: Interference with entrepreneurial freedom. Contradicts ECJ decision C-386/03 of 14 July 2005.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Supplementing the Directive by the following regulation: The airport operator can require a service provider or self-handler to take over staff in accordance with the groundhandling services transferred to this service provider or self-handler. The staff has to be selected according to suitable criteria, especially depending on their relevant activities. Advantages: See question 6. Disadvantages: Contradicts ECJ decision C-386/03 of 14 July 2005.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

The problem does not occur in everyday practice.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

The progressive liberalisation could lead to problems in the future. Background is the increasing administrative effort for screening persons who must have access to the security areas. Added to this is the considerable cost pressure in the market which leads to lower pay for the staff and

therefore also impairs the motivation. Increasing the number of handlers at a location with already used and limited apron area has a negative influence on the safety and functionality (operation, risk of accidents, punctuality).

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

A maximum period of validity of the license of seven years is at least required for economic and social reasons. An increase to ten years would mean more continuity and planning certainty for all parties concerned.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Everyday practice shows that the justified concerns of the User Committee are taken into account for the decision on selection. The selecting body (authority or airport) also has to take into consideration the interest of the overall system and for this needs scope for decision without being tied to the conditions laid down by a group of interest.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Is not relevant in everyday practice- practically no one is interested in self-handling and airlines do not even use the existing licenses. The issue is already settled in Germany in the implementation regulation (Annex 2 to paragraph 7 BADV). A modification of the Directive is therefore not necessary.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Precise and detailed requirements for access to / use of airport infrastructure in the Groundhandling Directive are not required. The framework for these charges is also laid down in the Charges Directive.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

An additional authority for groundhandling issues would mean an unacceptable administrative effort which would only increase the costs for all the stakeholders in the system.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Additional regulations are of no practical benefit. The obligation from the existing Directive to separate the accounts for book-keeping shows potential cross-subsidization (transparency) and thus makes it impossible. Therefore more far-reaching precisions are not necessary. It should be ensured that all groundhandling service providers - not only airports - prove that groundhandling services are not cross-subsidized in any way.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts?

Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

No additional regulation required.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Groundhandling services are part of the core business of airports, because air traffic cannot be operated without groundhandling. The status of airports as “fixed” groundhandling service providers should also be maintained in the future. It is not correct that that airports have a competitive advantage over third-party service providers. On the contrary, independent service providers who are active Europe- or worldwide have the advantage of being able to conclude “multi-station contracts” whereas an airport is restricted to its location. Additionally service providers who are active at different locations have the possibility to effect a financial compensation between these locations to the extent that this is legally admissible.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Reasonable solutions should be developed on a case-by-case basis. Therefore, a legal and schematic solution has to be rejected. New constellations regarding required space occur, for example, when the traffic volume changes or new customers are acquired. Service provider and airport have to find an individual solution here. A special provision in the regulations is not necessary. The airport operator who is responsible for the functionality of the airport also has to be responsible and decide on the management of apron areas. This also ensures the fair and functional allocation of areas for all enterprises active on the apron.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

Limited space is an important issue at all airports. This should be taken into account especially for the considerations on a more far-reaching liberalization. Everyday practice shows that lack of space makes the overall system considerably more expensive (operation, risk of accidents, punctuality). As regards the proposed solutions for dealing with limited areas an allocation has to be made in accordance with the market volume of the individual handler. At first sight a pooling of equipment seems to be an adequate solution for the optimization of used apron areas, but on the one hand it leads to enormous coordination efforts and on the other hand to possible equipment bottlenecks. A full opening of the market is not possible due to the limited areas, otherwise the functionality of the airports would be seriously endangered (strain on the existing transport infrastructure, process safety, occupational safety and smooth interfaces). In well-founded exceptional cases it should continue to be possible to limit the number of licensed groundhandling service providers.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Adequate harmonization has already been achieved through the existing Directive. A consistent implementation into national law by all Member States has to be ensured. The national legislations must be able to take account of the different national circumstances and parameters.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

An advantage is the development of pressure on quality and productivity. A disadvantage is the loss of efficiency: The distribution of the handling business to any number of service providers makes

the handling processes increasingly complex, since all activities have to be interlinked. Furthermore, the costs of the overall system will increase in the medium to long term, for example because lack of space requires extension measures. The conclusion is that a full opening of the market can become dangerous if none of the service providers has sufficient earnings anymore. This lead to dumping wages. Experience shows that this makes quality losses probable.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

We welcome the proposal to change the criteria for the classification of airports. The requirement that the threshold value has to be exceeded in three consecutive years would harmonize the procedure and prevent excessive oscillations.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

For the major airports we do not see any need for a legal determination of the number of providers. The arguments on question 19 apply.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

The applicable regulations are sufficient. Article 14 of the Directive gives sufficient scope for the Member States to regulate this at national level.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

The applicable regulations are sufficient. Article 14 of the Directive gives sufficient scope for the Member States to regulate this at national level.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

No problem in everyday practice, therefore a modification of the definition is not necessary. Extending self-handling would diminish the market share open to competition and thus would run counter to the intended opening of the market.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Supplementing the existing provisions on freight transport in the EU Directive is not required. No problems are known regarding the transport of special freight. The licensed groundhandling service providers are responsible for this.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Germany is of the opinion that a new definition or clarification is not necessary.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

The definition of the Centralized Infrastructures and their use is so extensive that account can be taken of the practical needs, especially since the circumstances at the airports are not the same everywhere. We do not see any need for modification.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

The implementation of the existing Directive in all Member States should be ensured. The threshold values mentioned in Article 1 of the Directive are only of limited suitability as selection criteria, since other influence factors do not play any role. The inclusion of additional criteria, for example the size of the aircraft used, would be desirable.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**DGAC (Direction Générale de l'Aviation Civile française)**

National government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

La DGAC, administration du Ministère chargé de l'aviation civile, élabore et fait appliquer la réglementation relative aux aéroports et aux compagnies françaises. A ce titre, elle est en charge de la transposition en droit français de la directive 96/67.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

La DGAC souhaite que la Directive pose une obligation de transparence qui permette au donneur d'ordre de savoir qui réalise opérationnellement les services. Cette règle doit permettre de mieux responsabiliser les différents intervenants afin de préserver une bonne maîtrise de la qualité des prestations, et d'assurer le respect des exigences en matière de sécurité et de sûreté.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Ainsi que le permet la Directive, la DGAC a mis en place une procédure d'agrément pour les prestataires désirant opérer sur des aéroports dont le trafic est supérieur à plus de 200 000 passagers ou plus de 20 000 tonnes de fret. Cette procédure d'agrément, au cours de laquelle l'inspection du travail est obligatoirement consultée, impose que les prestataires prennent des engagements de diverses natures qui peuvent en particulier porter sur une formation adaptée du personnel. S'agissant des procédures de sélection lorsqu'il y a limitation, ces dernières sont menées sur la base de cahiers des charges qui font état de niveaux de performance à respecter à minima et au rang des critères de sélection figure l'existence ou non de processus performants de contrôle de la qualité. Cependant, de façon générale, les exigences de qualité de service sont fixées par les transporteurs aériens usagers et la formation des personnels d'assistance en escale est organisée par la profession et s'adapte à la diversité des métiers. De plus, la tendance récente est que les prestataires d'assistance en escale soient certifiés pour le management de la qualité et structurent leur organisation par des systèmes de management intégré englobant les dimensions de sécurité, de sûreté et d'environnement. A cet égard, un responsable sécurité pourrait être désigné par chaque prestataire pour les opérations côté piste afin d'assurer la sécurité des aéronefs dans les meilleures conditions possibles. Dans ce contexte, les autorités publiques devraient se contenter d'exiger une formation à la sûreté. La directive pourrait prescrire la mise en place d'exigences de qualité dont le niveau serait déterminé par les exploitants aéroportuaires, qui assureraient eux-mêmes le suivi des prestataires en la matière.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Les conventions collectives françaises traitent des conditions de reprise des personnels en cas de changement de prestataire contractant. C'est en particulier le cas de l'avenant 65 à la Convention Collective Nationale des personnels au sol du Transport Aérien (CCNTA) et l'article 38bis de la convention SAMERA qui imposent la reprise du nombre de salariés nécessaires à la réalisation du contrat qui a changé de bénéficiaire. La DGAC préconise la mise en oeuvre de telles mesures qui seraient de nature à éviter les pertes de savoir faire en cas de changement de titulaire d'un

contrat. L'objectif visé de stabilité sociale serait de nature à mieux protéger les salariés, à préserver les emplois existants et à prévenir des conflits sociaux porteurs de forte désorganisation des opérations de transport aérien.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

La DGAC préconise une obligation de mise en place d'une structure de concertation entre employeurs et salariés, spécifique à chaque société d'assistance en escale, pour traiter des questions de sécurité au travail. Cette structure de dialogue pourrait s'inspirer des Comités d'hygiène, de sécurité et des conditions de travail (CHSCT) qui existent en France dans l'ensemble des secteurs économiques.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

La DGAC appuie la proposition visant à obliger tout usager à désigner un représentant légal sur les plateformes qu'il dessert. En revanche, les usagers ne doivent pas être représentés par des prestataires d'assistance en escale au sein des comités des usagers, compte tenu des questions traitées par ce comité.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

La DGAC n'a pas d'exemple de nature à étayer l'idée d'un impact négatif de la mise en œuvre de la Directive en matière de sécurité ou de sûreté.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

La DGAC a récemment limité à 5 ans la durée des autorisations accordées dans le cadre des procédures de sélection relatives aux aéroports parisiens. La durée de 5 ans lui a semblé suffisante pour permettre la réalisation des services en cause avec une bonne qualité de service et un équilibre économique satisfaisant et pour faciliter la prise en compte des évolutions de la plateforme. La DGAC ne souhaite donc pas un allongement de la durée maximale.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

La DGAC considère que la Directive 96/67 permet une bonne prise en compte de l'avis des usagers en imposant la consultation du comité des usagers préalablement à toute décision de sélection. L'avis des comités des usagers a été largement pris en compte par le ministre chargé de l'aviation civile lors de la sélection récente relative aux aéroports parisiens.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

La DGAC a déjà défini un critère de sélection, en l'occurrence le nombre de mouvements réalisés sur la plateforme concernée par les transporteurs souhaitant pratiquer l'auto-assistance : en cas de limitation les compagnies choisies sont donc celles qui réalisent le plus de mouvements. Fixée depuis 1998, cette règle n'a jamais posé le moindre problème d'application. La DGAC attire l'attention de la Commission sur l'intérêt de maintenir la possibilité de limiter le nombre de compagnies aériennes autorisées à réaliser des prestations d'auto-assistance : en effet, si un trop

grand nombre de compagnies s'auto-assistaient, la part de marché ouverte à la concurrence de prestataires indépendants pourrait devenir marginale.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Sur les aéroports français, il existe une redevance domaniale facturée par l'aéroport à l'ensemble des entreprises utilisant des locaux ou des terrains sur l'emprise aéroportuaire et une redevance payée pour les titres de circulation en zone réservée. Il s'agit de charges non discriminatoires et établies sur une base de transparence. En revanche, la DGAC n'est pas favorable à l'instauration de toute autre redevance d'accès facturée aux prestataires d'assistance en escale, assise par exemple sur le chiffre d'affaires réalisé, qui fragiliserait l'équilibre économique d'une activité soumise à une forte pression concurrentielle et partant disposant de faibles marges bénéficiaires.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

La DGAC considère que l'ensemble des redevances versées aux gestionnaires aéroportuaires doivent se situer dans le cadre de la Directive 2009/12 et être soumises au contrôle du régulateur économique.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

La DGAC a défini dès 2001 les modalités précises de la séparation comptable exigée par la Directive 96/67. A cet égard, la Directive pourrait préciser qu'en cas de charges communes à l'activité d'assistance en escale et aux autres activités d'une même société, des clés de répartition soient clairement définies dans le cadre des documents comptables à produire annuellement.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

La DGAC considère que les commissaires aux comptes qui examinent les comptes annuels des sociétés jouent tout naturellement le rôle du vérificateur indépendant évoqué par la Directive, car l'examen de la réalité de la séparation comptable relève des missions de leur profession. Elle n'estime donc pas nécessaire que la Directive apporte plus de précision à cet égard.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

La DGAC pense souhaitable de préserver l'exercice de l'activité d'assistance en escale par les gestionnaires et de ne pas les soumettre au processus de sélection. Il faut en effet préserver le savoir-faire du gestionnaire dans ce domaine afin qu'il garde une capacité propre d'évaluation des prestations fournies sur l'aérodrome. De plus, la poursuite de cette activité par le gestionnaire peut permettre d'assurer la continuité des services d'assistance en cas de retrait des autres sociétés opérant ces mêmes services.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

La DGAC propose que la règle du « 1er arrivé, 1er servi » soit privilégiée.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

La solution « 1er arrivé, 1er servi » évite de renchérir le coût d'utilisation des infrastructures aéroportuaires, qui pourrait constituer une barrière à l'entrée sur le marché de l'assistance en escale, par exemple en cas de mise aux enchères, et pourrait évincer du marché des sociétés dont la surface financière est réduite. La règle du « 1er arrivé, 1er servi » est aussi un gage de pérennité quant aux conditions d'exercice de l'activité. La DGAC indique que les cahiers des charges que doivent respecter les exploitants aéroportuaires leur font obligation d'adapter les infrastructures aux besoins des usagers et des prestataires d'assistance en escale.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

La DGAC juge en effet nécessaire qu'une harmonisation du marché européen de l'assistance en escale soit réalisée à terme. Elle estime toutefois que la priorité à court terme est de s'assurer de la bonne application de la Directive dans tous les États membres.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

La DGAC estime que l'ouverture du marché permise par la directive 96/67 est équilibrée et permet l'exercice d'une réelle concurrence sur les aéroports de plus de 2 millions de passagers, qui réalisent l'essentiel de l'activité d'assistance en escale. Aller au-delà fragiliserait l'équilibre atteint entre pression concurrentielle, qualité des services rendus et conditions sociales d'exercice de l'activité.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

La DGAC estime qu'il faudrait effectivement un mécanisme qui évite aux aéroports d'osciller de part et d'autre du seuil d'application de la Directive. La DGAC suggère le mécanisme suivant : - il faudrait, en termes de trafic, avoir le niveau de trafic du seuil pendant 3 années consécutives pour être assujetti aux dispositions de la Directive ; - inversement, il faudrait se situer pendant 3 années consécutives en dessous du seuil pour ne plus être assujetti aux dispositions de la Directive.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

La DGAC estime que le dispositif actuel a permis d'offrir un réel choix aux compagnies aériennes sur les aéroports français, ce qui était l'objectif de la Directive. Elle considère que l'introduction d'un nouveau seuil avec un relèvement important du nombre minimal de prestataires (et a fortiori une obligation d'ouverture totale du marché) serait susceptible d'entraîner des difficultés en matière de sécurité, de sûreté et de congestion des installations, et finalement contre-productive en termes de prix et de qualité de service offert. Elle estime donc que si une ouverture plus grande du marché est retenue au-delà d'un certain seuil, elle doit être limitée d'une part aux services autres que ceux relevant du traitement des bagages (sont visés la catégorie 3 et le service 5.4) et d'autre part à un relèvement de un du nombre minimal de prestataires indépendant du gestionnaire et des compagnies représentant plus de 25% du trafic.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

La DGAC estime que les conditions actuelles d'obtention d'un agrément sont relativement satisfaisantes. Le dispositif actuel d'agrément des entreprises d'assistance en escale, mis en œuvre en France, offre en effet, sur la base de réglementations spécifiques, la possibilité de remettre en cause l'agrément délivré par des sanctions adaptées. La DGAC souhaite par contre que la procédure d'agrément évoquée par la Directive devienne obligatoire pour chacun des États membres et non plus optionnelle.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Cf. question 24.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

La DGAC estime d'une manière générale qu'il n'y a pas lieu de modifier la définition de l'auto-assistance prévue dans la directive qui apparaît parfaitement adaptée à l'usage. La DGAC estime par exemple que les périmètres des alliances sont par nature susceptibles d'évolution. Sur beaucoup d'aéroports, cette proposition reviendrait ainsi à donner aux alliances une position dominante sur l'organisation du marché de l'assistance en escale et à limiter la concurrence sur ce marché. Cela aurait pour conséquence probable de créer des conditions défavorables d'accès au marché pour les compagnies indépendantes de ces alliances.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

La DGAC ne voit pas à ce stade la nécessité de prévoir des dispositions particulières au niveau de la directive.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

La DGAC identifie mal le bénéfice potentiel à tirer d'une modification de la définition des services d'assistance en escale, et remarque que cela conduirait à devoir modifier de nombreux actes d'application dans le droit national. Toutefois, dans le cas d'une demande de précisions émanant d'une majorité d'États membres, il pourrait être judicieux de tirer le meilleur parti de l'Annexe A du manuel « Airport Handling » publié par IATA qui établit une nomenclature précise, détaillée et exhaustive des services d'assistance au sol.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

La DGAC a veillé à ce que les installations classées en infrastructure centralisée respectent l'esprit de la Directive. Elle n'est toutefois pas opposée à une précision des dispositifs pouvant entrer dans le champ des infrastructures centralisées. Doivent y figurer les installations relatives au tri bagages, au dégivrage, à l'épuration des eaux, à la dilacération des déchets et à la distribution de carburant.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

La DGAC pense qu'il faudrait préciser la définition « usager d'un aéroport ». De façon à rendre cette définition plus pratique, il faudrait au moins : - limiter dans le temps la période pendant laquelle la personne physique ou morale a transporté des passagers, du courrier et/ou du fret ; - fixer un nombre minimal de passagers, de courrier et/ou de fret.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

La DGAC ne dispose pas de sources d'information aussi précises.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Civil Aviation Office - Poland**

National government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Civil Aviation Office of Poland will act as a Member State during the potential revision process

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

In our opinion specific rules regarding subcontracting should be introduced. Such rules should refer to all groundhandling activities. It is obvious that those rules must guarantee clear and transparent access to subcontracted activities. Subcontracting should be possible in only one level. In this meaning when a groundhandling agent subcontracts some (or every) of its groundhandling activities to another entity it shouldn't be allowed for this subcontractor to subcontract those activities to another subject.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Some minimum requirements in terms of quality of groundhandling services should be introduced. In this stage of consultations the most important issue is by whom such requirements should be specified and applied, e.g. managing bodies of airports or aviation authorities.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

We do not see any advantages of introducing specific measures regarding transfer of staff in the groundhandling Directive. In cases mentioned above we deal with our internal law.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Obliging airport users to be present or to be legally represented by a groundhandler will be advantageous for passengers. It will make an opportunity to find a relevant person/contact in all mentioned above cases. But from economic point of view such presence or representation will result in bigger costs of airlines activities. In our opinion it's unnecessary to introduce such obligation in the groundhandling Directive.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

We haven't encountered any safety/security problems which could be linked to the implementation of the groundhandling Directive.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

In our opinion an idea to change the length of period for a contract (in case of a tender) is very good. We would propose to set a different time period for a contract regarding different groundhandling categories. Time for recovery of expenses is different in every groundhandling activity so we suggest that when setting up a specific time periods for every category separately we should take into consideration potential costs and recovery of invested assets of those activities.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

In our opinion consultation process works fine and we don't see any reason for strengthening the role of Airport User Committee.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In our opinion it is a good idea to introduce some specific rules regarding selection process of self-handling providers. Nowadays this matter is regulated only by internal law of each country. Such mechanism would help to unify existing rules and procedures. It could also prevent from potential misunderstandings, although we must be aware of the fact, that it is very complex and difficult to specify such criteria (e.g. prices or quality of services seems to be irrelevant in such case).

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Airport is entitled to collect a fee or fees for the use of airport installations/devices, of an amount, to be determined according to the criteria laid down in Article 16(3) of the Directive. Such a fee is construed as a commercial charge and takes into account the fact that airport management is a commercial activity which should provide income to the owner. The criteria laid down in Article 16(3) of the Directive seem not to be sufficient. They are too general and may result in various practices applied. In addition to them the fees could: - if possible, be related to costs of maintenance, provision and depreciation of that infrastructure and/or devices, - be clearly related to the scope of infrastructure and/or devices made available by the airport in exchange of it, - assure the ease of calculation of necessary payment. Additionally, those charges should be communicated to independent authority and users of the installations. The advantages of defining more precisely elements taken into account for assessing fee/fees could include: • elimination of possible the scope/list of installations/devices, which are provided at the airport and transparency on costs of each element of it; • equal rules applicable to all entities resulting in a level playing field. The disadvantages could include: • additional administrative burden and cost resulting from the fact that the airport authorities would need to do properly document the fee; • less flexibility to react to changed conditions; • difficulty to establish precise equal rules applicable to all entities, which operate in different conditions.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

The advantage of giving an independent authority the power to supervise the fees could be prevention against possible abuse of monopolistic power of the installation provider. The



independent authority could guarantee the transparency and non-discrimination in terms and conditions of providing airport installations' fees/charges and level of those fees/charges. Additionally in case of disputes between users and providers the arguments could be solved more swiftly. However, the independent authority should not regulate the level of fees as such or "reasonable profit margin", because it would be an excessive and expensive regulation. The disadvantage is that independent authority would have new responsibilities to fulfill and airport authority would have to prove that it meets the new, detailed rules. That would cause additional administrative burden, both at the level of airport operator and national administration, and as a consequence additional cost

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

First it is necessary to clearly define the reason (objective) for making the separation of accounts between groundhandling activity and other activity. That reason seems to be defined for airports (recital 19 and 20 of the preamble), which are not allowed to subsidize groundhandling from other forms of their activity but so far no clear reason is indicated for the rest of groundhandling providers. Therefore before taking the decision on which stakeholders should be covered by this requirement it is necessary to clarify the reasons for it. If there is no other justification for the separation of the accounts than the one mentioned in recitals 19 and 20, it would be rational to leave that obligation just for airports in order not to generate additional cost for the rest of groundhandling providers when it is not bringing any additional value. In any of the cases it seems reasonable that the separation of accounts is limited to revenues and costs related to the groundhandling activity and does not include separation of balance sheet items or other reports included in the financial statement. Defining a wider scope of the obligation would result in additional administrative burden and as a result additional costs.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

The publication of the effective auditing of the separation of accounts seems to not be necessary and it is hard to find the reasoning for doing that. The confirmation that the groundhandling provider carries out the separation of accounts in the right way will rather not bring anything for the market. It seems sufficient that the confirmation is presented only to the authority that is indicated as being responsible for ensuring that the separation is carried out (Member State).

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

This is a very complex issue. Making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure would surely prevent from possibility of breaking the rules of free competition but in our opinion such situation is strictly hypothetical. This model guaranties that in every time, especially during tender procedure, there will be at least one groundhandling provider (airports and/or for the airports subsidiaries). Present model could also be motivated by public service interest reasons.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

In our opinion managing body of each airport should decide about space allocated to groundhandling providers operating on their airports. It should be regulated only by general rules concernig free market and freedom of creating contracts / agreements between the managing body of the airport and the agent.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

We can't really answer this question because it is not clear what exactly "open market" mean. (for example: is it open for all providers or only for agents from EU countries) nevertheless we think that solutions proposed by the Commission may not suit situation on specific airports. In our opinion in this situation it is better to leave this issue to rules of free market and freedom of creating contracts

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

We fully support the idea of harmonizing the European groundhandling market. In our opinion the harmonization process should concern every possible aspect. Of course, during process of harmonizing legal aspects of groundhandling markets of various countries we should take in to consideration specific of each market, economic conditions and level of development of the needed infrastructure in each country as well as exceptional rules regarding legal systems of some countries. In other words harmonization should proceed everywhere where it is possible and when it is not against the law and interests of Member States. We must also consider, that full harmonization of all aspects may lead to the situation, that Directive is not enough and the regulation should replace it, because the main advantage of the Directive is that there is some space for sovereignty for member states to take into account the situation on the specific market

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

We can't really answer this question because it is not clear what exactly "open market" mean. (for example: is it open for all providers or only for agents from EU countries).

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

We agree with proposed mechanism. It will prevent from instability in appropriate application of regulations. Concerning groundhandling market.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

We agree with the idea of introducing additional thresholds for the minimum number of groundhandlers for very big airports. Present regulations doesn't reflect actual situation. We can't treat in the same way airport with annual traffic exceeding 3 million passengers and airport with more than 50 million passengers. In case of limitation - in both airports - the number of providers could be limited to 2. Only 2 agents for each category in such big airports is just not enough. Additional thresholds for very big airports will prevent from situation in which in the biggest airports there won't be enough agent to guarantee proper services.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Conditions to obtain an approval should be refined. In this way we could avoid differences in requirements needed to obtain the right to perform groundhandling services

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

In our opinion this is a reasonable solution but in case of including training provisions or quality measures to criteria taken into account for approval some precise and relevant methods of evaluation should be introduced.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

We also see the need of refining the boundaries of self-handling. It would clarify general rules regarding self-handling as well as it would prevent from further misunderstandings which may occur during Directive application process by the Member States

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

We haven't received any signals concerning the problems regarding this matter so we do have an opinion in this subject.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

We also think that groundhandling category 1 could be clarified. Nowadays is not clear for agents, airlines and for airports what is the exact range of activities included by category 1. Clarification would prevent all of those subjects from further misunderstandings

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Regardless to the fact, who is the managing body of centralized infrastructure the rules of providing it, including fees, should be always the same. Today a cost of some parts of infrastructure at one airport is included in the cost base of centralized infrastructure fees and at other in the cost base of other charges (e.g. airport charges). It seems justified that the same elements provided at different airports fall into "centralized infrastructure". At the same time cost of them should not be included in airport charges and vice versa. Directive should clearly indicate what infrastructure under what circumstances, may be included in the catalogue of centralized infrastructure - it could also be defined in art. 2 (Definitions). The rules should be the same as rules of the access to airport installations (question 13). Airport authority should be obliged to publish, also at the airport's web page, the list of centralized infrastructure elements and fees charged for use of it.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

We have problems with category 8 similar to those which we have with category 1. As well as category 1 category 8 comprises a wide range of activities In our opinion groundhandling category 8 should be clarified. Nowadays is not clear for agents, airlines and for airports what is the exact range of activities included by category 8. It is crucial to point out the difference between the routine and non routine services because now it is blur and there are problems with proper interpretation. Clarification would prevent all of those subjects from further misunderstandings. Other issue we would like to write about concerns groundhandling category 5.7 - one of ramp handling activities - which comprises the transport, loading on to and unloading from the aircraft of food and beverages. In our opinion it is quite problematical because most of those activities are much alike to catering services described in groundhandling category 11.4. - which comprises

preparation and delivery of equipment as well as of bar and food supplies. It is crucial to clarify the differences between those two categories in order to prevent from any potential misunderstandings.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

We would suggest contacting CAO Poland. It would be a good source of data and information regarding some of mentioned above subjects which later on might be used by the study team to estimate the impacts of options for changes to the Directive.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**DG. Civil Aviation**

National government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Promoting the legislation to meet the sector's needs, collecting the concerns of the main stakeholders involved.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Subcontracting rules are already in place at airport level, and the majority of the Spanish stakeholders agree that the current situation is not satisfactory enough to ensure harmonization at all airports in Europe. It would be desirable to have basic community legislation describing which services can be subcontracted and to which extent, defining clearly the conditions and subject to regular audits, so that safety and quality levels are not affected and service providers do not become "virtual agents", not forgetting accountability of responsibility.

It is necessary to ensure that the services provided by the subcontracted agent meet the same quality and safety standards required to the main agent.

Spanish handling service providers are against the subcontracting of basic services and ask for strict restrictions in the case of subcontracting self-handling. In this particular case, within the EU, the subcontracted handling service provider should only be allowed to make use of the selfhandling license for that airline

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Minimum quality requirements should be established at European level. Currently in Spain it is the airport operator who establishes the minimum requirements to be met by handling agents.

The review of the Directive should establish some minimum requirements regarding:

1. Personnel training and qualification One of the major problems in groundhandling are, the lack of qualification and the high turnover of staff. These problems are amplified at touristic airports with great seasonality. It is therefore crucial to define training requirements and programs as well as continuous training programs to ensure correct level of awareness of apron safety among staff.

2. Quality parameters

3. Requirements for handling and selfhandling

4. Requirements for basic equipment and its working life

The cost of these measures would be low compared to the potential improvement in safety parameters and in the number of apron incidents and accidents avoided, which would also mean savings for airlines and insurance companies.

Any safety requirements in this directive should be coordinated with the requirements that EASA is developing for airport certification, since apron safety management is dealt with in the aerodrome manual.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

The main benefits of this transfers are on the one hand, social stability in a key sector for the economy, and on the other, the maintenance of the quality delivered by new companies, thanks to the transfer of experience and training.

Experience in Spain has proved the benefits of the settlement of the terms of the transfer of staff in collective agreements for handling providers, including self-handling.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

In Spain there is a collective agreement for the handling sector, signed in 2005, that guarantees the rights of the employees. This has led both to an important opening of the market in terms of number of ground handling licenses and to an increase in the number of self handling contracts. Since then, thousands of workers have been transferred from one company to another (third parties or self handlers) and there have not been major problems.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

The fact of a company being present at the airport, or it being formally represented by a handling agent enables easier procedures when passengers have to put a claim, particularly in situations related to passenger rights such as delays, cancellations, overbooking, etc.

It is also necessary for the coordination between the airline and the airport operator.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

No significant safety/security problems have been encountered linked to the implementation of the Directive, whereas ground handling agents believe that the Directive should limit the number of handling and self-handling agents, depending on the airport capacity to improve safety conditions, as they see a link between the number of agents with fix premises and the number of incidents.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

The DGCA sees no big difference between seven or ten year contracts, some of the benefits of the extension in the amortization period, pointed out by ground handlers are :

1. Greater investment in equipment and R&D+i.
2. Easier adaptation to economic cycles.
3. Increase in the number of tenderers.
4. Employment stability.
5. Levels of service consolidation.

However, airport operators believe seven years are enough for the investments, whereas a ten year contract does not allow any flexibility to change conditions and means a long time until the airport community can benefit again from a tender process (quality, economic, equipment, environment...).

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Currently in Spain, Airport Users' committees are led by the main carriers at each airport, who usually have strong interests in the ground handling activity, which makes it very difficult to have a pure -airline opinion when consulting the AUCs.

This is the reason why ground handling agents in Spain think that AUCs should stick to the definition of specifications and technical requirements for tender, but they believe it should be the airport operator who established an objective and transparent procedure.

In line with this, the DGCA is of the opinion that it should be compulsory for airports operators to further justify the decisions taken and the reasons to accept/reject the AUCs suggestions, particularly when these are rejected.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In principle, the number of self-handlers is not limited in Spain, except for founded capacity/safety reasons, in the case of having to establish a limitation in the number of selfhandlers at the airport. Clear procedures should be in place to guarantee a fair selection process.

Identical requirements should be set for selfhandlers as those required to the rest of handling agents in terms of quality and training.

Groundhandlers also suggest the need of a better definition of selfhandling and the limitation in the subcontracting of some of these activities which enables the entrance in the market of providers that have not taken part in the tender process.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

There are not these kind of fees at Spanish airports. In Spain, all the margins of the activity go directly to improve the costs of the airlines that operate at the airport, which will improve the airports' competitiveness.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Same as #13

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

No handling services are provided by the main airport operator in Spain.

In the case of airlines that are also handling agents they should justify separation of accounts following more strict, differentiated and clear requirements.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

No handling services are provided by the main airport operator in Spain.

It would be useful to have the separation of accounts regularly audited and these audit reports handed to an independent authority. The fact of these reports being made public or not is not relevant given the independence of the authority.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

In Spain airports providing handling services would be subject to the same authorization as any other handling agent.

It should be compulsory for airports and airport subsidiaries to pass a tender procedure in order to ensure a fully free market with homogenous selection criteria.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Clear and objective criteria should be established for the distribution of premises among agents.

First-arrived, first served is not an acceptable solution in a free market.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

-

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

- Basic staff training requirements
- Basic quality level requirements
- Self-handling definition
- Thresholds of the directive depending on free existing/expected market
- No limitation to the number of selfhandling agents except for capacity/safety reasons

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

The number of handling agents should only be limited on a case by case basis due to capacity/safety/security reasons.

According to the airport operator's experience, in any case the number of groundhandlers should not be limited depending on the number of passengers/freight processed but on the "free-market" at that airport. There are examples of medium-size airports with 2-3 million passengers and a mixture of traffic that can allocate 3 or 4 handling agents and very big airports whose primary airline represents 80% of the traffic and has a self handling contract, in which case the volume left, may not be enough for more than two handling agents.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

The proposal of the commission could be useful to avoid the oscillation around the threshold

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

See #21.



(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

In Spain, authorizations are given by the Spanish State Safety Agency (AESA). It would be useful to have homogeneous requirements for all European member states and airports.

As previously stated, minimum training and qualification requirements for staff should be established at European level.

In the case of the Directive implementing new conditions, it is important that the current authorizations should be maintained under the conditions required when they were granted until they expire.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

The authorization requirements should include minimum criteria regarding staff training and qualification, quality and safety/security.

The homogeneity in the requirements at European level would make it easier for handling agents who provide services in different States.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Self handling is defined in the Spanish Regulation RD1161/99 (which is the transposition of the Directive into Spanish law), but it would be useful to harmonize these concepts around Europe and it should affect not only the airline but also its subsidiaries and franchises.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

The revised directive should define clearly, the areas of responsibility of the different agents involved: airline, handling agent and integrators.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Services 1.2 and 1.3 should be included in category 4 instead of 1.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

In Spain, the DGCA determined which were "centralized structures" .

Handling agents approve of this procedure as it is set in the Spanish legislation, where it is the airport operator who manages the infrastructure in a transparent, objective and not discriminatory way, enabling the access to them to all handling agents and users doing self handling.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Audit mechanisms should be included in the directive, to avoid non-fulfillments of the rules.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

RD 1161/99, 2nd July, transposing Directive 96/67/EC

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Civil Aviation Authority**

Other (please specify) Independent regulator (Public authority)

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The CAA is the UK's independent statutory aviation regulator with responsibilities for economic, safety and airspace regulation and consumer protection. It has two specific interests in groundhandling. First, it is the competent authority under the UK implementing legislation for applying and enforcing the directive in the UK. It had also been closely involved in the development of the directive. Second, as the UK aviation safety regulator, the CAA is responsible for ensuring that airports manage airside areas for the safe use by aircraft.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The object of the directive should be remove, and refrain from introducing, unnecessary restrictions on access to the groundhandling market. This will facilitate effective competition between airlines and between groundhandlers which can be expected to operate in the interests of consumers. This should not, however, be at the expense of putting at risk the safe operation of airports and investment by airports required to ensure that safety is maintained. The CAA would not wish to see sub-contracting discouraged where the parties agree that sub-contracting makes commercial sense. However roles, responsibilities and accountabilities should be made clear in any such arrangement in order, for example, to maintain the level of safety on the ramp. Rules for subcontracting could provide transparency over who is doing the work, who is responsible for safety and allow more effective auditing of the subcontracted processes. In the UK, responsibility for safety and compliance with the relevant statutory requirements currently rests with the main contracting organisation, whether this is the groundhandling company, the airport or an airline. The subcontracted organisations are only responsible to the contractor for delivery of the contract terms and assume little, if any, responsibility for compliance with statutory safety requirements. Where airlines contract with airports to provide services that impact upon safety matters, for which the airline has statutory responsibility, they find they have no control or influence over the subcontracted organisation providing the service. Ensuring that statutory safety requirements apply to any individual or organisation carrying out ground handling activities at the airport would improve safety, not only by directly imposing safety responsibilities, but also by enabling contracting and regulatory organisations to hold subcontractors accountable. This process may be illustrated by the arrangements for the ground transfer of Persons of Reduced Mobility (PRMs). The passenger has contracted with an airline through the issue of a ticket but under the PRM Regulation the airport is legally responsible for the safe transfer of the PRM to and from the aircraft. In many cases, this is subcontracted to a specialist provider and the airline will consequently often have no involvement in or oversight of how this is conducted, despite having a contractual relationship with the PRM. In the context of the PRM Regulation, the CAA and the Health and Safety Executive wrote to UK airports and airlines to remind them of the roles and responsibilities of the various parties.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The CAA understands from the questionnaire that 'quality measures' in this context mean, primarily but not exclusively, measures that might be applied by airport operators (or the regulator) to the selection of ground handling providers and to the employment of individual ground handling staff to ensure that safety and security at airports is maintained. Such requirements however, should not

affect, or constrain, airlines' choice between groundhandling companies. More and better training gives employees increased understanding of their tasks and through this, an improved sense of personal involvement and responsibility. This may be demonstrated in the UK where aerodromes have provided airside staff with increased and enhanced driver training for the prevention of runway incursions, which has resulted in reduced 'occurrences' (i.e. operational interruptions, defects, faults or irregularities) and improved staff performance. On the ramp, better qualified staff should be expected to lead to a reduction in the amount of damage done to equipment and injuries to persons. The CAA would therefore support consideration being given to the Directive recognising measures of this kind to improve safety but without being overly prescriptive. Specific measures and standards should be set at a local level which would provide flexibility and could take into account existing European frameworks in training, quality standards and staff qualifications. A slightly different aspect of this question is the quality of service experienced by consumers where they are the direct recipients of services provided by groundhandlers, in particular at airports that are not subject to effective competition. The CAA would therefore support proposals that encouraged the development at local level of Key Performance Indicators in discussion between airports and users. These might cover, for example, first and last bag times and misconnects. Persistent failure to achieve acceptable levels of service might provide reason for a ground handler to be prohibited either temporarily or permanently.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

The CAA is not well qualified to answer this question.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The CAA is not well qualified to answer this question.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

At a number of airports, airlines are represented by their ground handling agents but passengers are perhaps not sufficiently aware of this when they have problems with lost baggage etc. It can also be difficult for regulatory authorities to identify a legally accountable representative of an airline not registered in their Member State. Consideration should therefore be given to placing an obligation on airlines to have a representative at each airport where they operate (and to be available at times of operation). The representative could be either directly employed by the airline or be a third party such as a groundhandling agent.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

The implementation of the Directive has had positive effects in terms of increasing ground handling choices available to airlines at European airports and consequently lowering the cost of ground handling to the benefit of airlines and ultimately consumers. However, at the same time some deterioration in the levels of safety in airside areas has been observed. For example, some services have been consolidated, for example with one dispatcher covering several flights and reductions in ramp supervision, which can result in standard operating procedures not always being followed, and in staff training being less comprehensive than it should be. An example of this in the UK is the granting of airside driver permits by airports to staff that do not have the necessary competence in English and so are unable fully to understand the safety requirements for airside activities. The CAA is therefore examining the introduction of language requirements. In the UK the number of ramp 'occurrences' increased between 2001 and 2006. The UK CAA set up a team, involving representatives from industry, to conduct a "top-down" analysis of ground handling operations. From this the UK has established the Ground Handling Operations Safety Team (GHOST) to address

the problems identified and to develop strategies to improve ramp safety and operations. The GHOST feeds directly into the EASA European Commercial Aviation Safety Team (ECAST), which is a component of the European Strategic Safety Initiative (ESSI).

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

As there is currently no airport in the UK where the number of groundhandlers is limited under the directive, the CAA has no direct experience to inform an assessment of the maximum length of period of a contract. In general, however, the CAA believes that the duration of the contract should be a matter for commercial negotiation between the parties concerned, especially where there are a number of contracts in place. The CAA is aware of the concerns that have been expressed that excessively short contracts do not provide incentives on ground handling companies to invest in equipment and training. However, the CAA is also aware that long contracts can be a barrier to entry to new groundhandling companies. The directive currently sets a maximum rather than a minimum period for the contract between the airport and ground handling suppliers where the number of handlers is limited. The directive does not regulate, nor should it, the contracts between ground handling companies and airlines.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

The present role of the Airport Users Committee under the Directive is to be consulted on the technical specifications for a tender and on the choice of handler by the airport or by the competent authorities of the relevant Member State after a tender process has been completed. The CAA does not consider that the views of the AUC as to the appointment of handlers should necessarily be binding on the decision taker, whether the airport or the competent authority, since a variety of factors may be relevant to the appointment beyond the stated preferences of users. However, the CAA considers that Article 11.3 of the Directive could be improved by placing an obligation on the decision taker to provide the AUC with the reasons for its selection of ground handlers in a limited market. The Directive provides for airport users or their representatives to be members of the AUC. In some cases the representative could be the airline's ground handling agent. In these circumstances, and to avoid conflicts of interest, those airlines or ground handlers on the AUC with a direct interest in the particular tender process should be excluded from the discussion and play no part in developing the AUC's comments and advice to the decision taker.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In the UK there has been no instance where the number of airside self-handling airlines has been limited and a choice has had to be made as to which airlines should be able to self-handle. The Directive already requires self-handling airlines, where the number is limited, to be selected on the basis of relevant, objective, transparent and non-discriminatory criteria. The CAA sees no need for any more detailed specification of selection criteria.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

The directive already requires access fees to be determined according to relevant, objective, transparent and non-discriminatory criteria. The CAA sees no need for the directive to be any more prescriptive than this. Furthermore, given different accounting arrangements across Europe it would be difficult to reach agreement, for example, on what constituted a "reasonable profit margin". When airports set their access fees they will no doubt have in mind the decision of the ECJ in case C363/01. The purpose of the directive should not be extended to the detailed regulation of access charges.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Further to the answer to Q13, the CAA does not consider that access charges to airport installations for the purpose of ground handling should be more closely regulated through the directive. The directive already provides for an appeal to an independent body by any party with a legitimate interest in access fees.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The CAA considers that the existing provisions in the directive are sufficient and that no further precision is necessary.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

The CAA considers that the existing provisions in the directive are sufficient and that no further precision is required. Where an independent auditor has been appointed in the UK the CAA has provided guidance to the auditor and also publishes the auditor's subsequent report in accordance with the UK Regulations that implemented the directive.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

An underlying principle of the initial directive was that airport managements should be free to conduct business on their own property, including the supply of ground handling services to aircraft and passengers. The CAA considers that this is the right approach, provided it does not impede the development of a competitive market in ground handling. There are very few airports in the UK of any size where the airport itself provides handling services so the issue of airports being able to provide services without having to go through a tender process has not arisen. There would be an administrative burden on the competent authority (the CAA in the UK) were airports required to tender alongside other bidders for limited numbers of ground handling rights.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The best way to manage space is through the coordinated management and oversight of groundhandling activities at the airport. Whatever form this takes the aerodrome operator should have a role which allows it to manage and oversee safety effectively at the aerodrome.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

There are no airports in the UK where there is a limit on the number of groundhandlers imposed in accordance with the Directive. Despite this, there has been no instance where an external regulatory solution to the allocation of available space has been required. The CAA is not therefore aware that this has been a problem in practice. It recognises, however, that there a number of ways in which space could be allocated to groundhandlers where demand exceeds the available supply. The directive should not be prescriptive as to how any rationing should be carried out so long as the method chosen meets the criteria of Article 16 of the Directive. Furthermore,

whichever method is chosen should not impair the ability of the aerodrome operator effectively to manage and oversee safety.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

The CAA would not support the harmonization of the European ground handling market if this meant that each airport in the EC would have to allow the same number of handlers providing a particular groundhandling service. The CAA has seen no evidence that disparities between national markets has, of itself, made it difficult for new entrants to access the market. The CAA would be more likely to support moves towards a greater opening of the market for ground handling across Europe provided the necessary safeguards are in place, in particular as regards safety.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

In general terms, competition can be expected to produce an efficient allocation of resources and maximise benefits to consumers. In the context of groundhandling, fully competitive markets may lead to an increase in ground handling suppliers over a relatively short period of time which can put pressure on equipment space and cause congestion of the airside roads. These effects would have to be managed to ensure that the airport was able to operate efficiently and safely. Frequent changes in the identity of ground handlers could, potentially, have a negative impact on safety. This could be managed, for example, through evidence of term contracts with airlines for the supply of groundhandling services to them.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

A mechanism to avoid airports from oscillating around one of the thresholds in the directive would be sensible. The suggestion that the threshold would have to be exceeded in three consecutive years before an airport becomes subject to the relevant provisions of the Directive is worthy of consideration. There could also be a symmetrical arrangement whereby airports would be relieved from obligations under the directive where they subsequently fall below the relevant threshold in three consecutive years.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

The CAA would support additional measures that further liberalise the groundhandling market at European airports. One possible way of achieving this in the short to medium term would be through a graduated increase in the minimum number of airside handlers at airports depending on their passenger throughput. The CAA is putting forward no particular thresholds at this stage but the illustrative thresholds suggested by the Commission (at least three handlers at airports over 30mppa and four handlers at airports over 60 mppa) would seem to be a reasonable starting point for discussion.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

In the current directive Member States are given discretion to implement a system of approval or licensing of ground handlers. Some Member States have done so while others, such as the UK, have not. This discretion should be retained. It follows, therefore, that those Member States that do implement a system of approval or licensing should have a degree of freedom in deciding the precise criteria for approval so long as those criteria satisfy the general tests of Article14.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

See answer to Q24 above.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

The CAA considers that it would be helpful to clarify the scope of self-handling where airlines enter leasing, code-sharing or airline alliance arrangements. In a competitive market, airlines should be able to decide for themselves the most suitable and cost-effective handling arrangements for their operation.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

The CAA is not aware of any issues relating to freight handling at UK airports of the kind described in the Commission's questionnaire. We therefore have no specific suggestions for changes to the Directive in this area but the specialist nature of the handling of some items of freight may warrant special treatment.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

The CAA understands that the list of groundhandling services in the Annex to the directive is based on, and largely repeats, the IATA groundhandling manual. There should be consistency between the services defined in the Directive and industry practice so the views of airlines will be important in deciding whether there should be any changes to the definitions of individual groundhandling services in the Directive.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

The CAA has not experienced any problems with the current definition of Centralised Infrastructures or with their management at UK airports. We therefore have no specific suggestions for changes to the Directive in this area at this stage.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Now that the groundhandling directive has been in place for well over 10 years, it is timely to review whether it should be modified to encourage further liberalisation of the groundhandling market at European airports through the removal of those unnecessary restrictions that remain. Some of the options being considered by the Commission would support further opening of the market while others would create additional barriers. However, where opening of the market does give rise to safety, or security concerns these are best addressed at local level. In any review of the Directive, full account should be taken of the potential for competition between airports (as well as between airlines) to drive improvements in value for money from groundhandling companies.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.



The CAA does not routinely collect data of the kind described. The impact of the directive, and the options for change, on the safe operation of airports, should also be considered. Data in this area is available from the ECCAIRS database. For those countries not yet submitting data to ECCAIRS their Mandatory Occurrence Reporting (MOR) systems should provide national data. Additionally, airports have data and information on ramp and other incidents, including those minor incidents that do not have to be reported under the MOR scheme.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Civil Aviation Authority**

Other (please specify) Independent regulator (Public authority)

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The CAA is the UK's independent statutory aviation regulator with responsibilities for economic, safety and airspace regulation and consumer protection. It has two specific interests in groundhandling. First, it is the competent authority under the UK implementing legislation for applying and enforcing the directive in the UK. It had also been closely involved in the development of the directive. Second, as the UK aviation safety regulator, the CAA is responsible for ensuring that airports manage airside areas for the safe use by aircraft.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The object of the directive should be remove, and refrain from introducing, unnecessary restrictions on access to the groundhandling market. This will facilitate effective competition between airlines and between groundhandlers which can be expected to operate in the interests of consumers. This should not, however, be at the expense of putting at risk the safe operation of airports and investment by airports required to ensure that safety is maintained. The CAA would not wish to see sub-contracting discouraged where the parties agree that sub-contracting makes commercial sense. However roles, responsibilities and accountabilities should be made clear in any such arrangement in order, for example, to maintain the level of safety on the ramp. Rules for subcontracting could provide transparency over who is doing the work, who is responsible for safety and allow more effective auditing of the subcontracted processes. In the UK, responsibility for safety and compliance with the relevant statutory requirements currently rests with the main contracting organisation, whether this is the groundhandling company, the airport or an airline. The subcontracted organisations are only responsible to the contractor for delivery of the contract terms and assume little, if any, responsibility for compliance with statutory safety requirements. Where airlines contract with airports to provide services that impact upon safety matters, for which the airline has statutory responsibility, they find they have no control or influence over the subcontracted organisation providing the service. Ensuring that statutory safety requirements apply to any individual or organisation carrying out ground handling activities at the airport would improve safety, not only by directly imposing safety responsibilities, but also by enabling contracting and regulatory organisations to hold subcontractors accountable. This process may be illustrated by the arrangements for the ground transfer of Persons of Reduced Mobility (PRMs). The passenger has contracted with an airline through the issue of a ticket but under the PRM Regulation the airport is legally responsible for the safe transfer of the PRM to and from the aircraft. In many cases, this is subcontracted to a specialist provider and the airline will consequently often have no involvement in or oversight of how this is conducted, despite having a contractual relationship with the PRM. In the context of the PRM Regulation, the CAA and the Health and Safety Executive wrote to UK airports and airlines to remind them of the roles and responsibilities of the various parties.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The CAA understands from the questionnaire that 'quality measures' in this context mean, primarily but not exclusively, measures that might be applied by airport operators (or the regulator) to the selection of ground handling providers and to the employment of individual ground handling staff to ensure that safety and security at airports is maintained. Such requirements however, should not

affect, or constrain, airlines' choice between groundhandling companies. More and better training gives employees increased understanding of their tasks and through this, an improved sense of personal involvement and responsibility. This may be demonstrated in the UK where aerodromes have provided airside staff with increased and enhanced driver training for the prevention of runway incursions, which has resulted in reduced 'occurrences' (i.e. operational interruptions, defects, faults or irregularities) and improved staff performance. On the ramp, better qualified staff should be expected to lead to a reduction in the amount of damage done to equipment and injuries to persons. The CAA would therefore support consideration being given to the Directive recognising measures of this kind to improve safety but without being overly prescriptive. Specific measures and standards should be set at a local level which would provide flexibility and could take into account existing European frameworks in training, quality standards and staff qualifications. A slightly different aspect of this question is the quality of service experienced by consumers where they are the direct recipients of services provided by groundhandlers, in particular at airports that are not subject to effective competition. The CAA would therefore support proposals that encouraged the development at local level of Key Performance Indicators in discussion between airports and users. These might cover, for example, first and last bag times and misconnects. Persistent failure to achieve acceptable levels of service might provide reason for a ground handler to be prohibited either temporarily or permanently.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

The CAA is not well qualified to answer this question.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The CAA is not well qualified to answer this question.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

At a number of airports, airlines are represented by their ground handling agents but passengers are perhaps not sufficiently aware of this when they have problems with lost baggage etc. It can also be difficult for regulatory authorities to identify a legally accountable representative of an airline not registered in their Member State. Consideration should therefore be given to placing an obligation on airlines to have a representative at each airport where they operate (and to be available at times of operation). The representative could be either directly employed by the airline or be a third party such as a groundhandling agent.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

The implementation of the Directive has had positive effects in terms of increasing ground handling choices available to airlines at European airports and consequently lowering the cost of ground handling to the benefit of airlines and ultimately consumers. However, at the same time some deterioration in the levels of safety in airside areas has been observed. For example, some services have been consolidated, for example with one dispatcher covering several flights and reductions in ramp supervision, which can result in standard operating procedures not always being followed, and in staff training being less comprehensive than it should be. An example of this in the UK is the granting of airside driver permits by airports to staff that do not have the necessary competence in English and so are unable fully to understand the safety requirements for airside activities. The CAA is therefore examining the introduction of language requirements. In the UK the number of ramp 'occurrences' increased between 2001 and 2006. The UK CAA set up a team, involving representatives from industry, to conduct a "top-down" analysis of ground handling operations. From this the UK has established the Ground Handling Operations Safety Team (GHOST) to address

the problems identified and to develop strategies to improve ramp safety and operations. The GHOST feeds directly into the EASA European Commercial Aviation Safety Team (ECAST), which is a component of the European Strategic Safety Initiative (ESSI).

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

As there is currently no airport in the UK where the number of groundhandlers is limited under the directive, the CAA has no direct experience to inform an assessment of the maximum length of period of a contract. In general, however, the CAA believes that the duration of the contract should be a matter for commercial negotiation between the parties concerned, especially where there are a number of contracts in place. The CAA is aware of the concerns that have been expressed that excessively short contracts do not provide incentives on ground handling companies to invest in equipment and training. However, the CAA is also aware that long contracts can be a barrier to entry to new groundhandling companies. The directive currently sets a maximum rather than a minimum period for the contract between the airport and ground handling suppliers where the number of handlers is limited. The directive does not regulate, nor should it, the contracts between ground handling companies and airlines.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

The present role of the Airport Users Committee under the Directive is to be consulted on the technical specifications for a tender and on the choice of handler by the airport or by the competent authorities of the relevant Member State after a tender process has been completed. The CAA does not consider that the views of the AUC as to the appointment of handlers should necessarily be binding on the decision taker, whether the airport or the competent authority, since a variety of factors may be relevant to the appointment beyond the stated preferences of users. However, the CAA considers that Article 11.3 of the Directive could be improved by placing an obligation on the decision taker to provide the AUC with the reasons for its selection of ground handlers in a limited market. The Directive provides for airport users or their representatives to be members of the AUC. In some cases the representative could be the airline's ground handling agent. In these circumstances, and to avoid conflicts of interest, those airlines or ground handlers on the AUC with a direct interest in the particular tender process should be excluded from the discussion and play no part in developing the AUC's comments and advice to the decision taker.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

In the UK there has been no instance where the number of airside self-handling airlines has been limited and a choice has had to be made as to which airlines should be able to self-handle. The Directive already requires self-handling airlines, where the number is limited, to be selected on the basis of relevant, objective, transparent and non-discriminatory criteria. The CAA sees no need for any more detailed specification of selection criteria.

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The directive already requires access fees to be determined according to relevant, objective, transparent and non-discriminatory criteria. The CAA sees no need for the directive to be any more prescriptive than this. Furthermore, given different accounting arrangements across Europe it would be difficult to reach agreement, for example, on what constituted a "reasonable profit margin". When airports set their access fees they will no doubt have in mind the decision of the ECJ in case C363/01. The purpose of the directive should not be extended to the detailed regulation of access charges.

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Further to the answer to Q13, the CAA does not consider that access charges to airport installations for the purpose of ground handling should be more closely regulated through the directive. The directive already provides for an appeal to an independent body by any party with a legitimate interest in access fees.

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An underlying principle of the initial directive was that airport managements should be free to conduct business on their own property, including the supply of ground handling services to aircraft and passengers. The CAA considers that this is the right approach, provided it does not impede the development of a competitive market in ground handling. There are very few airports in the UK of any size where the airport itself provides handling services so the issue of airports being able to provide services without having to go through a tender process has not arisen. There would be an administrative burden on the competent authority (the CAA in the UK) were airports required to tender alongside other bidders for limited numbers of ground handling rights.

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(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

There are no airports in the UK where there is a limit on the number of groundhandlers imposed in accordance with the Directive. Despite this, there has been no instance where an external regulatory solution to the allocation of available space has been required. The CAA is not therefore aware that this has been a problem in practice. It recognises, however, that there a number of ways in which space could be allocated to groundhandlers where demand exceeds the available supply. The directive should not be prescriptive as to how any rationing should be carried out so long as the method chosen meets the criteria of Article 16 of the Directive. Furthermore,

whichever method is chosen should not impair the ability of the aerodrome operator effectively to manage and oversee safety.

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A mechanism to avoid airports from oscillating around one of the thresholds in the directive would be sensible. The suggestion that the threshold would have to be exceeded in three consecutive years before an airport becomes subject to the relevant provisions of the Directive is worthy of consideration. There could also be a symmetrical arrangement whereby airports would be relieved from obligations under the directive where they subsequently fall below the relevant threshold in three consecutive years.

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See answer to Q24 above.

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The CAA has not experienced any problems with the current definition of Centralised Infrastructures or with their management at UK airports. We therefore have no specific suggestions for changes to the Directive in this area at this stage.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Now that the groundhandling directive has been in place for well over 10 years, it is timely to review whether it should be modified to encourage further liberalisation of the groundhandling market at European airports through the removal of those unnecessary restrictions that remain. Some of the options being considered by the Commission would support further opening of the market while others would create additional barriers. However, where opening of the market does give rise to safety, or security concerns these are best addressed at local level. In any review of the Directive, full account should be taken of the potential for competition between airports (as well as between airlines) to drive improvements in value for money from groundhandling companies.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

The CAA does not routinely collect data of the kind described. The impact of the directive, and the options for change, on the safe operation of airports, should also be considered. Data in this area is available from the ECCAIRS database. For those countries not yet submitting data to ECCAIRS their Mandatory Occurrence Reporting (MOR) systems should provide national data. Additionally, airports have data and information on ramp and other incidents, including those minor incidents that do not have to be reported under the MOR scheme.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Norton Rose LLP**

Other (please specify) Law firm

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Norton Rose Group welcomes the opportunity to provide comments on the possible revision of the Directive 96/97/EC on access to the groundhandling market at Community airports. Norton Rose Group is an international legal practice, with offices in major business and financial centres in Europe, Asia and the Middle East. Our aviation practice combines expertise from a range of specialist areas including corporate finance, regulatory and competition, tax and litigation. We have gained sector-specific knowledge of the aviation industry in advising clients in their interactions with the European Commission (Commission), National Authorities and Courts. However, this submission represents the position of Norton Rose Group and not any particular client.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

As there is no specific article in the Directive 96/67/EC ('the 1996 Directive') that relates to subcontracting, national legislators can regulate freely. This means that across Member States, subcontracting may be subject to a variety of different conditions, including the requirement of prior approval by the airport operator. It may also be reserved only to certain categories of operators (e.g. airport handlers) and prohibited for others (e.g. self-handlers and third-party handlers). In our view, the lack of harmonisation in this area may result in distortion of competition. Subcontracting does not negatively affect safety and security if the main contractor guarantees safety standards. On the contrary, it enables competitive advantages regarding quality and price aspects. Therefore, in our view subcontracting should not be limited. In order to prevent Member States from introducing restrictions to the possibility of subcontracting, the revised Directive should contain a provision acknowledging the right to subcontract under the condition that the main contractor is responsible for the subcontractors. That way no further regulation would be necessary. In our view, subcontracting should also be possible in case of self-handling (see our response to question 26 of the Commission questionnaire).

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

When the 1996 Directive was adopted, the Commission chose not to define minimum quality requirements. The Commission, in its Study on the Impact of Directive 96/67/EC on Ground Handling Services, published in February 2009, ([http://ec.europa.eu/transport/air/studies/doc/airports/2009\\_02\\_ground\\_handling.pdf](http://ec.europa.eu/transport/air/studies/doc/airports/2009_02_ground_handling.pdf)), found that prices for groundhandling have decreased, whereas quality has increased. This means that liberalisation has had no negative effects on the quality of groundhandling services. In fact, airlines are motivated to ensure quality standards since they are directly affected by any quality deficiency. In conclusion, our opinion is that quality measures should not be set in the revised Directive. The groundhandling market is functioning properly without minimum quality requirements; therefore, we think that quality requirements are not necessary. Competition is the best way to ensure the appropriate level of quality. However, should the Commission decide to introduce provisions on quality requirements in the revised Directive, we think such provisions should not be binding. Quality requirements should be only recommended to groundhandlers. For example, the revised Directive may provide examples of quality requirements to help handler operators to self-assess the

quality of their services. Under the 1996 Directive, airport operators may freely impose quality requirements on the groundhandlers. Airport operators which are also groundhandling service providers may use quality requirements to discriminate against self and third-party handlers. Therefore, for transparency reasons, if an airport decides to set quality requirements, it should be bound to consult the Airport Users' Committee ('AUC') beforehand. In addition, in order to prevent abuse, we support the creation of an independent authority in each Member State (see also our responses to questions 14 and 29 of the Commission questionnaire). This authority should be charged with revising the legality of quality requirements imposed by airports in light of proportionality and non-discrimination principles and the fairness of the consultation process between the airport operator and groundhandlers.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Groundhandling is a labour intensive business. Most of a groundhandler's total costs are related to labour. Transfer of staff may discourage existing handlers from expanding their activities and may prevent market entry, thereby limiting competition. Therefore, we recommend not introducing specific measures regarding transfer of staff in the revised Directive for the cases which fall beyond Directive 2001/23. Directive 2001/23 regarding the safeguarding of rights of employees in the event of transfers of undertakings also applies to the groundhandling sector. Therefore, there is no need to introduce sector specific rules for the groundhandling sector.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The liberalisation of the aviation sector has led to an increasing number of jobs. We are not aware of any evidence that the working conditions in the groundhandling sector need specific attention. Therefore, we cannot make any suggestion in this respect. However, we do not think that the introduction of provisions to improve working conditions in the revised Directive is the appropriate way to address such problems. Therefore, the revised Directive should not contain these kinds of provisions.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

A provision obliging airport users to be present physically at airports located within the European Union ('EU') would go beyond the scope of the 1996 Directive (i.e. liberalisation of groundhandling market). Such a rule would run against the proportionality principle whereby measures implemented through EU law must be appropriate for attaining the objective pursued and not go beyond what is necessary to achieve it. Firstly, we do not believe that such a measure is necessary from the passengers' perspective as both airports and airlines have already well-developed internal procedures in case, for instance, of mishandled baggage. Secondly, the fact that this rule may ease Member States' difficulties in finding the relevant interlocutor for problems concerning slots and financial commitments cannot justify its introduction in a Directive which is intended only to liberalise a market. Finally, the imposition of such an obligation would be too cumbersome for airport users. As a result they could ultimately be obliged to set up offices and enter into labour contracts at each airport they fly to. That would not only be very expensive but also contrary to the EU principle of free movement of services and, in last instance, to the liberalisation of groundhandling activities. In light of the above, we are strongly against the introduction of such a provision in the revised Directive. In relation to the introduction of a provision which would oblige airlines which are not physically present at an airport to be legally represented there, we believe that such an obligation on air carriers would be disproportionate and inopportune. Our views outlined above which support the argument that there is no need for a physical presence for airlines can be reiterated mutatis mutandis. In addition, the principle of freedom for companies to conduct their business should not be interfered with in the absence of a strong justification. The cases where airline absence/lack of representation have caused substantial disturbance are very limited. We believe that occasional and remote dysfunctional ties which may be connected with the lack of

representation/airline absence at the airport are not sufficient to justify an obligation on airlines to enter into proxy relationships with a contractual partner. Therefore, the revised Directive should not impose any obligation on airlines to be legally represented by a groundhandler at an airport.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

There are no safety/security problems linked to the implementation of the 1996 Directive as there are no indications that the number of handlers has an impact on security requirements. On the contrary, the fact that the 1996 Directive opened up the groundhandling market to competition has had positive effects on safety and security. In fact, competition leads companies to invest in quality, safety, security and training. Moreover, the main concern of airlines in groundhandling is safety performance for which they are responsible.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Under Art 11 of the 1996 Directive, suppliers of groundhandling services are selected for a maximum period of seven years. This period appears too short to make major investments (e.g. in staff and equipment), without running serious business risks. If the period is shorter than seven years, the setting up of a viable business becomes even more difficult. In fact, it is nearly impossible to recover the investment in such a limited timeframe. That may discourage handlers from making long-term investments or devising long-term strategies. In the light of that, we would welcome the extension of the tender contract to ten years in non-restricted markets (i.e. markets where the number of self and third-party handlers have not been restricted). However, if Member States limit the number of self and third-party handlers at EU airports, a ten-year contract duration may have a negative impact on competition. Therefore, in our view, the extension of the length of the tender contract should be accompanied by a full liberalisation of the groundhandling market. Provided there are no artificial limits imposed on the number of self and third-party handlers at EU airports, the extension of the contract duration should not raise competition concerns.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Pursuant to Art 11 of the 1996 Directive, suppliers of groundhandling services are chosen following consultation with the Airport Users' Committee ('AUC') by the managing body of the airport, provided the latter (i) does not provide similar groundhandling services; (ii) has no direct or indirect control over any undertaking which provides such services; and (iii) has no involvement in any such undertaking. Airlines have only a limited influence on the selection of suppliers despite being customers of the groundhandlers' services. Therefore, the AUC should have more influence on the selection of the new providers. Under the 1996 Directive, the AUC has a purely advisory role. In our view, the AUC should be able to vote in the final selection of the supplier. In addition, there may be a conflict of interest during the selection of a groundhandler which will compete with an airport's own handling organisation. In the event that an airport operator is both managing body and supplier of handling services, it should be involved in the tender only in the pre-qualification process, where the framework for qualification is set out. After this stage, only the airlines should be involved and make the final decision on selection. In our view, the revised Directive should set out some general criteria by which competing tenders may be judged, in order to enhance transparency in the selection process. The revised Directive should also include a requirement for the decision maker to provide feedback to companies on why their tender was either successful or unsuccessful.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

The number of self-handlers should not be limited by Member States or airport operators. Limitation should be allowed only in exceptional circumstances. For example, we cannot see any plausible justification to limit the self-handling activity of cargo air carriers which takes place over night when capacity restraints do not play a significant role. In general, the scope of capacity restraints should not be overestimated and used as a pretext to limit competition. To prevent/avoid abuse, the Airport Users' Committee ('AUC') should agree that there are sufficient reasons to limit the number of self-handlers. In any event, in those exceptional circumstances where a limitation is deemed necessary, a general principle should be introduced according to which airport capacity should be fairly allocated between self-handling, on one side, and handling entrusted to third parties, on the other. In such a case, we consider that the term "selecting" self-handlers is not used appropriately. This is due to the fact that it is only for the air carrier, and not for other users or the airport operator, to be concerned that the appropriate standards for self-handling services are met. In addition, self-handling service is not a competitive market which would justify selection criteria. We see the process rather as a mechanism to allocate limited capacity to the greatest number of groundhandlers. Again to prevent/avoid abuse, the AUC should have an important saying in this process.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

Art 16 of the 1996 Directive allows airport operators to charge an access fee to groundhandlers for the right to operate at their airport. The fees must be determined according to relevant, objective, transparent and non-discriminatory criteria. The Court of Justice of the European Union (CJEU) has held that an airport operator is forbidden from "making access to the groundhandling market in the airport subject to payment by a supplier of groundhandling services or self-handler of an access fee as consideration for the grant of a commercial opportunity, in addition to the fee payable by that supplier or self-handler for the use of the airport installations" (among others, Case C-363/01, Flughafen Hannover-Langenhagen GmbH v. Deutsche Lufthansa AG). Airports are, thus, only entitled to collect a fee for the use of airport installations, taking into account the interest of the airport in making a profit. The CJEU provided no guidance on the criteria to be followed in order to calculate a reasonable profit margin. In practice, this access fee is, often, a price for the "commercial opportunity", as it has no connection to the real costs incurred by the airport in connection with access. From the perspective of the air carriers, there may be situations when they cover the cost of the airport facilities connected to groundhandling services twice: (i) once by paying the groundhandler for its service (because the groundhandler will typically pass on the access fee cost into the price charged on the airline) and (ii) the second time by paying the airport the airport charges (e.g. passenger related charges), which the airport may calculate taking into account the cost of facilities/installations already covered by the access fee. As a result, airport operators may be overcompensated for their groundhandling connected airport installations. In the end, the simple possibility to charge an access fee can generate abuse. In a competitive market, groundhandlers should only be charged a rent for the facilities they use. The rent should be established according to market conditions. Furthermore, airport handlers which are controlled by the airport operators pay no access fees. That discriminates against other handlers, thereby resulting in a distortion of competition. In conclusion, to avoid the risks mentioned above, the revised Directive should abolish the access fee and establish the principle that any price to be paid by the groundhandler should not have a royalty function: it should only cover the cost of the infrastructure used plus a reasonable profit margin. In addition, the Directive should also clearly set out that airports may not charge twice for the use of the same facilities: if their cost is covered by the groundhandler, it should not be, even partially, caught again by the general airport charges paid by air carriers.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

In the past, access fees gave rise to abuse in several Member States as the 1996 Directive sheds little light on the elements to take into account in order to assess them. In our view, fees for access to airport installations should be treated similarly to airport charges foreseen in the Directive

2009/12. In fact, as in the case of airport charges foreseen in Directive 2009/12, the main partners in the air transport industry (i.e. the airports and air carriers and third-party handlers), have diverging and conflicting interests. Hence, an independent authority is best placed to assess the legality of access fees. That way, the provisions concerning access fees would be properly applied, helping to prevent abuse by airport operators.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

We think that the separation of the accounts is the first step to prevent unfair competition, by ensuring transparency, with specific regard to those cases where the airport operator also supplies groundhandling services. In such cases, there is a high risk that an airport operator which is also active as a groundhandling service provider may subsidise its groundhandling activities from the revenue it derives from its role as an airport operator (so-called cross-subsidisation). Therefore, we support the introduction of detailed and stricter provisions concerning the rules and methods ensuring effective implementation of accounting separation. Lack of transparency may encourage airport operators to cross-subsidise, which may lead to anticompetitive behaviour such as excessive prices and discriminatory treatment. However, in our view, account separation may not alone be sufficient to prevent cross-subsidisation. Airport operators wishing to act as groundhandling service providers should establish separate legal entities to provide such services.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

We are in favour of the introduction of more detailed provisions about independent examiner's checks in the revised Directive. Such measures will enhance transparency and, thus, constitute an effective deterrent for abusive behaviour.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

As already stated (see our response to question 15 of the Commission questionnaire), airport operators wishing to act as groundhandling service providers should establish separate legal entities to do so. These legal entities should also be subject to selection procedures under the same conditions as other stakeholders (i.e. third-party handlers) at the relevant airport in order to avoid any conflict of interest and/or distortion of competition. Therefore, we would welcome a provision in the revised Directive under which airports operators are required to go through a tender procedure.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

We support the complete liberalisation of the groundhandling market. There should be no artificial limit to the number of self and third-party handlers at EU airports. Any limitation on the number of groundhandlers should be allowed only in exceptional circumstances. Being aware of the risk that airport operators will try to use capacity as a pretext to limit competition on the groundhandling market, the Airport Users' Committee ('AUC') should play an important role in this process. Any limitation on the number of permitted groundhandlers should be proposed by an airport operator and agreed upon by the AUC on the basis of objective justifications. In addition, the AUC should also agree the extent of such limitation. Under such circumstances where a limitation is being considered, the AUC together with the airport operator should also consider the possibility of expanding the capacity dedicated to groundhandling at the relevant airport.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

See our response to question 18 of the Commission questionnaire. An increase of the space available should also be considered in such cases.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

We would recommend the Commission consider the adoption of a regulation instead of a directive in the field of groundhandling activities. A regulation is intended to unify national rules and has direct effect, whereas a directive needs to be transposed in each Member State. That may jeopardise the harmonisation of rules across the EU. In this respect, we would like to draw the Commission's attention to the fact that in two cases (C-460/02, Commission v. Republic of Italy and C-386/2003, Commission v. Federal Republic of Germany) it was held by CJEU that Member States transposed the 1996 Directive in a way that went against its effective application. In addition, the transposition of the 1996 Directive took place at a rather slow pace which led to legal uncertainty for airlines active in different Member States. On the other hand, if the form of the legislation remains unchanged, we recommend at least providing for total harmonisation. Total harmonisation can, in fact, enhance competition, thereby better contributing to the creation of a single internal market for groundhandling activities. At the time of the adoption of the 1996 Directive, the Commission opted for a so-called soft harmonisation approach. As a consequence, Member States were left the choice among different options for the transposition of the 1996 Directive. As a result, air operators still face different rules in different Member States which leads to extra costs and to legal uncertainty. For this reason we strongly endorse total harmonisation of the groundhandling rules. Derogations from the rules should not be allowed unless justified by exceptional circumstances, clearly indicated in the revised Directive. In order to ensure the consistent application of the revised Directive in all Member States, at least the following key issues should be fully harmonised (i.e. no possibility for Member States to derogate): (i) full liberalization of the groundhandling market; (ii) no limitation of the number of self and third-party handlers without sound justification to be agreed upon by the Airport Users' Committee ('AUC'); (iii) abolition of the access fee and its replacement by a price which incorporates the costs of the airport facilities used and a reasonable profit margin; (iv) instituting the principle that airports should be compensated only once for the cost of facilities deployed to groundhandling activities, either by air carriers directly or by groundhandlers; (v) separation of the accounts for airport operators in respect of groundhandling activities; (vi) establishment of an independent authority in charge of monitoring all the above issues.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

We do not support the inclusion of provisions in the revised Directive which set quality standards as a condition for groundhandlers to obtain approval by Member States. Quality standards would make

it cumbersome to obtain authorisation. In addition, as Member States may choose not to require an approval for groundhandling operators, the imposition of quality standards would risk sharpening of the differences in the legislation between Member States.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

See our response to question 24 of the Commission questionnaire.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

The 1996 Directive allows airlines to undertake self-handling and defines this as a situation in which an airport user (i.e. airline) directly provides for itself one or more categories of ground handling services and does not conclude any contract of any description with a third party for the provision of such services. From the definition of self-handling contained in the 1996 Directive, it is not clear whether an airline is allowed to set up a subsidiary or a joint venture with another air carrier to carry out self handling activities. In our opinion, the possibility of establishing both subsidiaries and joint ventures should be permitted in the definition of self-handling. Under both options, the subsidiaries would be fully and jointly controlled by the air carrier(s), meaning that their groundhandling activities would be attributable to the air carrier(s) according to the principles laid down in the EU Merger Control Regulation (EU Regulation 139/2004). In addition, all participants should be allowed to subcontract. Provided that the main contractor retains liability for services performed by the subcontractor, subcontracting does not lead to a deterioration in quality and safety and, therefore, there are no justifications for restricting subcontracting. In light of this, we would welcome a broad definition of self-handling which includes all the above mentioned activities. The broadening of the definition of self-handling would not result in a further reduction of the available market for handler services. In fact, large airlines are often unable to change to new independent handlers, as the scale of their operation is too large to be taken over. Self-handling is then the only solution in such cases. The introduction of the possibility of handling for allied partners would not entail more purchasing power for the airlines if airlines are still able to choose a handler individually, despite being part of an alliance. In relation to self-handling, in our opinion it is also necessary to review the current rule (Art 9, para 1(c) of the 1996 Directive), whereby Member States may authorise, due to specific capacity constraints, an airport operator to reserve self handling to a limited number of airlines (minimum two). Airport operators have unreasonably applied this provision to limit the number of self-handlers to two. In our opinion, such a restriction should be allowed only in exceptional circumstances, which should be carefully indicated in the revised Directive. A generic reference to capacity constraints is not sufficient. In light of this, the revised Directive should explain the compelling circumstances under which a Member State may restrict the number of self-handlers.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

In our view, there should be a full liberalisation of the cargo area and/or the night operations where there are no demonstrated reasons for limiting the freedom to compete. Therefore, there should be no artificial limitation of the number of self-handlers and airport users should always have the right to self-handle. This applies, in particular, to cargo and night express operations areas where there are no demonstrated justifications (i.e. physical space constraints) for limiting the freedom to compete. Cargo handling operations, in fact, take place at night on a clearly defined separate area of the airport and, thus, there is no issue of congestion. In light of this, we would favour the abolition of the rules which foresee the possibility for Member States to limit the number of self-handlers.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Art 8 of the 1996 Directive allows Member States to reserve for the managing body of the airport (or another body) the management of the Centralised Infrastructure used for the supply of groundhandling services whose complexity, cost or environmental impact does not allow for division or duplication. The airport operator may make it compulsory for suppliers of groundhandling services (i.e. self-handlers and third-party handlers) to use these infrastructures and may also charge fees for the use of these facilities. Therefore, according to the 1996 Directive, an airport is allowed to retain a monopoly on a number of services, thereby restricting competition. In practice, under the 1996 Directive, airports may freely decide which facilities to include in the list of Centralised Infrastructures. Under the 1996 Directive, airports do not have any obligation to consult airport users on the definition of the Centralised Infrastructure. In order to prevent abuse, the definition of Centralised infrastructures should be clarified and made more restrictive in the revised Directive. A more precise definition would secure a transparent and non-discriminatory use of the Centralised Infrastructures. Furthermore, in relation to issues concerning the definition of the Centralised Infrastructure which will not be covered by the revised Directive (and where, as a result, airport airports may still enjoy discretion), airport users should be consulted. Finally, in situations where an airport operator is also a groundhandling service provider, we think that the operation of the Centralised Infrastructure should be awarded through a competitive tendering under the surveillance of the independent authority, thereby insuring the fairness of the awarding process. In relation to charges which the airport can fix to allow access to the Centralised Infrastructure, it cannot be excluded that an airport operator which is also active as a groundhandling service provider may give a discount on Centralised Infrastructure to its own handling customers, thereby abusing its dominant position. In general, there is a lack of transparency in setting charges for the use of Centralised Infrastructures. Thus, as for the case of fees for access to airport installation, fees for Centralised Infrastructures should be treated similarly to airport charges foreseen in the Directive 2009/12 and, therefore, the revised Directive should foresee the method to set the level of those fees.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(i) Clarifications on the right of appeal Art 21 of the 1996 Directive foresees the right of appeal for any party with a legitimate interest (i.e. airlines and independent handlers) against decisions concerning access to installations (Art 16), selection of suppliers (Art 11) and self-handling (Art 7). The revised Directive should make it clear that the right of appeal also includes appeals against decisions taken under Art 6, para 2, concerning the limitation of the number of suppliers authorized to provide certain groundhandling services (e.g. baggage handling, ramp handling, fuel and oil handling) and Art 8, relating to Centralised Infrastructures in addition to the articles currently mentioned. (ii) Improvement of remedies in cases of unjustified limitation of the number of the suppliers of groundhandling services and of unfair awarding of handling service contracts As a matter of principle, there should be no limitation to the number of groundhandling suppliers. It should be possible to claim damages if a limitation to the number does not have a solid justification. Where such limitation is unavoidable, suppliers of groundhandling services need to be selected through a competitive tendering process. The 1996 Directive establishes the rules of market access to this sector, while leaving Member States a sizeable degree of flexibility, which in particular makes it possible for them to define procurement rules. In our view, the revised Directive should envisage remedies in case a handling service contract has been illegally awarded without prior competitive tendering. In particular, an independent review body should be empowered to set aside the illegally awarded contracts. In such cases, the setting aside of contracts which have been concluded following an unfair awarding of the handling service contract is the most effective way to restore competition and to create new business opportunities for those economic operators which have been deprived illegally of their opportunity to compete. Damages alone do not constitute a sufficient and appropriate penalty in our view. The possibility to set aside the contract will increase undertakings confidence in the fairness and transparency of the tender procedures in all Member States. However, we understand that without groundhandling services an airport is not able to



function. In light of this, the revised Directive should foresee the possibility that handling service contracts unfairly awarded may remain in force for the time strictly necessary to undertake a new tender process.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Air Transport Users Council**

Other (please specify) Consumer organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

We are a consumer organisation for air passengers, who have an interest in efficient, cost-effective ground handling.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The discussion of quality measures for inclusion in the Directive is in the context of serving a number of objectives, most of which do not relate directly to measurement the passenger experience. One obvious element of the passenger experience which would be amenable to key performance indicators would be baggage delivery. Airlines may already have first and last bag to carousel service targets in their baggage handling contracts. A formal requirement to set baggage delivery targets and to publish performance against them would potentially help to improve service to passengers. But it would need to take account of individual airlines' product offering and the costs associated with specific targets. It may be, for example, that handlers would have different targets for different airlines. These could realistically be set only by agreement between the airlines and their handlers. But publication of those targets would in themselves help passengers to understand the level of service they might expect from different airlines, which might be of use to them in informing their purchase decisions. Other quality measures suggested in the consultation document (such as minimum training requirements or staff qualification) would have less measurable impacts on passengers. But if these measures were, in effect, to mitigate the risks of mistakes or poor performance - on the ramp, for example - they might in general terms facilitate consistency or improvement, where required, in the overall passenger experience.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Representation of airlines at airports is perhaps the discussion point in the consultation paper that is most directly relevant to passengers. The two key issues are the identity of the representative of a particular airline and their availability. The consultation paper usefully identifies baggage handling to illustrate this point. It should make no material difference to passengers whether the airline is

itself represented, or whether it sub-contracts representation to a third party. But it is crucial that they provide clear information to passengers whom they should approach for assistance. For example, if a baggage hall has only one desk for reporting problems, it should be clear that it is available to all passengers. Similarly, where there are numerous desks, it must be clear to passengers to which desk they should address their concerns. It is also crucial that baggage service desks remain open until all baggage from all flights they represent has been collected from the carousel. If passengers are not able to report baggage problems before leaving the baggage hall, they can face considerable difficulties in pursuing compensation claims with airlines. This can be particularly problematic issue when flights have been disrupted and the ground agents have gone off-shift either before flights arrive or before all of the baggage has been collected.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**The State Ministry for Economic and Labour Affairs of the Free and Hanseatic City of Hamburg**

is the Regional Civil Aviation Authority for Hamburg.

Regional government

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The State Ministry for Economic and Labour Affairs of the Free and Hanseatic City of Hamburg is the Regional Civil Aviation Authority for Hamburg. Freie und Hansestadt Hamburg Behörde für Wirtschaft und Arbeit Amt Wirtschaft Hafen Technologie Referat Luftverkehr Alter Steinweg 4 20459 Hamburg 0049-40-42841-1362

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Die FHH hält Regeln für Subcontracting für erforderlich. Diese Regeln sollten allerdings sicher stellen, dass der Wettbewerb in den Bodenabfertigungsdiensten nicht verhindert wird. Dies könnte zum Beispiel dadurch geschehen, dass Subunternehmer gewählt, die eigentlich gar keine Konzession hätten erhalten dürfen. Free and Hanseatic City of The Free and Hanseatic City of Hamburg would appreciate specific rules regarding subcontracting. However, these rules should guarantee that competition would not be constraint, for example by choosing subcontractors that would not have been got a regular license.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

As numerous quality measures are stated in A. 3 to § 8 BADV (the national act that implements the Directive) there is no need for any quality measures in the Directive itself.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

No we do not have encountered any safety/security problems!

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Verlängerung der Konzessionszeit von 7 auf 10 Jahre Die FHH befürwortet eine Verlängerung der Konzessionszeit von 7 auf 10 Jahre. Dies sollte auch für den Flugplatzunternehmer gelten. Für alle Beteiligte wäre eine Verlängerung auf 10 Jahre effektiver. Denn innerhalb von nur 7 Jahren ist eine Amortisierung der sehr hohen Kosten nur sehr schwer zu erreichen. Eine Verlängerung würde zu erhöhter Planungssicherheit führen. Zudem würde diese unter Umständen zu einer Verbesserung / Qualitätserhaltung der Dienstleistungsangebote führen können. Dies käme auch den Arbeitnehmerinnen und Arbeitnehmern zu Gute. Free and Hanseatic City of The Free and Hanseatic City of Hamburg approves of an extending tender contract up to 10 years. Mainly because stakeholders have big investments that could not be amortized within 7 years. An extension could lead to a better planning reliability. This could lead to a higher quality of groundhandling services, which would also benefit to the working conditions of the staff.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Rechte des Nutzausschusses Im Zusammenspiel mit Erwägungsgrund 16 der Richtlinie, der von einer Konsultation der Nutzer spricht, sollten die Rechte des Nutzausschusses insoweit gestärkt werden, als das begründet werden muss, warum den Empfehlungen des Ausschusses nicht gefolgt wurde. Die FHH empfiehlt, dass die Luftfahrtbehörde den Nutzausschuss vor Entscheidungen anhört und eine Begründung gibt, warum sie den Empfehlungen nicht gefolgt ist. Eine Quotelung der Zusammensetzung des Nutzausschusses nach Anteil der jeweiligen Nutzer wird von der FHH abgelehnt. Es steht zu befürchten, dass dies zu einer Verzerrung des Marktes führen würde, indem mögliche bereits verfestigte Marktstrukturen durch eine Quotelung weiter verfestigt werden. Recital 16 of the Directive states the consultation of airport users. To strengthen the position of the AUC it would be helpful that reasons for not following their recommendations should be given. Free and Hanseatic City of The Free and Hanseatic City of Hamburg recommends that the Regional Civil Aviation Authorities should held a hearing with the AUC and gives reasons why the recommendation has not been followed.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

Es sollte keine zusätzliche Behörde eingerichtet werden, da dies einen zu hohen Verwaltungsaufwand bedeuten würde und zudem der standortspezifische Vorteil der Landesluftfahrtbehörden verloren ginge. Denn jeder Flughafen muss nach seinem Standort betrachtet werden, alle Flughäfen als einen Markt zu betrachten, entspräche nicht der wirtschaftlichen Realität. The Free and Hanseatic City of The Free and Hanseatic City of Hamburg rejects the idea of an additional authority. Firstly this would lead to an unnecessarily high administration effort and secondly the regional specific advantage of Regional Civil Aviation Authorities would be lost. Every Airport has to be evaluated within its own location. To evaluate all airports as "one market" is not representing commercial reality.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Flughafenprivileg Das Flughafenprivileg beschreibt, dass der Flughafen selber nicht am Auswahlverfahren teilnehmen muss. Dieses Privileg geht daraus hervor, dass die Richtlinie nur bestimmt, dass der Flughafen einen Bewerber zulassen muss. Damit sieht die Richtlinie gerade nicht vor, dass sich der Flughafen dem Verfahren unterwirft. Die FHH fordert die Beibehaltung dieser Regelung, die in § 6 Absatz 2 BADV umgesetzt worden ist. Dies vor allem im Hinblick auf das Urteil des EuGH vom 14. Juli 2005 C-386/03. Denn hier hatte der EuGH die Möglichkeit, sich zu dem Flughafenprivileg an sich zu äußern, da auch unter diesem Gesichtspunkt die Möglichkeit eines Verstoßes gegen die Richtlinie gerügt worden ist (Punkt III, Rn. 12). Die Urteilsbegründung hingegen bezieht sich nur auf die Kostenverteilung aber eben nicht auf das Flughafenprivileg an sich. Es wurden damit nur die finanziellen Vorteile für den Flughafenbetreiber nicht seine Rechtsposition bei der Auswahl bzw. im Wettbewerb an sich gerügt. Auch das Urteil des EuGH vom 16.03.2003 (C-363/01) bezog sich nur auf gesonderte Marktentgelte. Auch vor dem Hintergrund, dass in vielen Bundesländern eine Anteilsbeteiligung der Länder an den Flughafengesellschaften vorliegt, die im Sinne der Daseinsvorsorge äußerst wichtig ist, sollte sicher gestellt sein, dass die Flughäfen selber einen Dienstleister stellen können, ohne sich am Auswahlverfahren beteiligen zu müssen. The Free and Hanseatic City of Hamburg emphasises the need to adhere to the so-called "Airport Privilege", meaning that the airport could provide groundhandling services without having to be selected by tender. The Directive states that the airport only has to be selected by tender. This could be backed up by a verdict of the ECJ (C-363/01) in which the ECJ has had the possibility to rule out the airport privilege but did not do so. Moreover, airports keeping a groundhandling activity can be motivated by public service interest reasons.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)



(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Tatbestandsmerkmale Art. 11 Die FHH befürwortet eine Konkretisierung der Tatbestandsmerkmale in Artikel 11 der Richtlinie. Hier sollte Artikel 11 Absatz 1 e) der RL konkretisiert werden. Problematische Tatbestandsmerkmale sind das „Einstellen“ und die „Tätigkeit“. Bei beiden bleibt unklar, was darunter zu verstehen ist. Fraglich ist zum Beispiel, ob die Konzessionserhaltung ausreicht oder ob eine vollständige Aufgabe aller Tätigkeiten gemeint ist. Reicht hier physisches Aufgeben der eigentlichen faktischen Tätigkeit oder muss auch die Konzession zurück gegeben werden. Im Richtlinientext wird leider nicht konkretisiert, was unter der eigentlichen Tätigkeit zu verstehen ist und was unter Einstellen zu verstehen ist. Dafür geben auch die Erwägungsgründe keinen Anhaltspunkt. Die FHH schlägt vor, den Text der Richtlinie wie folgt zu ändern. Der Text sollte um die Begriffe „vollständig“ und „endgültig“ ergänzt werden. Zudem könnte zusätzlich in die Erwägungsgründe etwas aufgenommen werden, dass die Tätigkeit inklusive Konzession erläutert. Dies könnte auch im Anhang geschehen. Die BADV wäre anzupassen. The Free and Hanseatic City of Hamburg recommendates to amend Article 11 p. 1 lit. e of the Directive in order to substantiate the “ceasing of activities”. We would recommend to amend the words “finally” and “completely”.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling

providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**Swedish Transport Workers Union**

Trade Union/Worker's organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

As a trade union organising the workers in the particular area of ground handling in civil aviation, our role and main interest is the work conditions and environment of said workers.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Our opinion is that minimum training requirements, individual staff qualification and quality standards are a prerequisite for anyone who is admitted to activities in groundhandling in airports. Common rules and regulations in this area are a necessity for a number of reasons: neutrality of competition between operators, safety security in airports for workers and passengers. We see the risk for an increased number of ramp accidents without these measures taken. As it is now the demand for more competition has forced the handling companies to minimize the labour force. This increases stress and hence, the risk for accidents. One of the social impacts already shown, is that companies have minimized full time contracts and are now using more part time contracts. This makes it more difficult to keep and recruit staff.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

There needs to be a strengthened protection for workers who are transferred between airport authorities to other operators in terms of employment rights and working conditions. Transitions of this kind must not be used to get rid of workers or reducing salaries, i.e. social dumping.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

First we do not think a revision of the Directive at hand is the best solution to the present problems. Instead we would suggest an additional directive with demands of obligatory minimum practice and training to work with ramp service including certificate of vocational training. That is a model used by the Commission to sharpen the requirements in the road haulage sector. In our view, such demands would reduce the possibilities for handling companies to use subcontractors as a buffer and therefore better adapt the size of the work force to the actual demand for work force. We are aware that this suggestion would not solve the problems of work time, but we consider this issue to be solved by the national labour market parties.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

We have experiences with this sector in Sweden. The most common problem is the minimized work force, leading to stressrelated work accidents.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

We think it is a bad idea to force competition when there are no true reasons or conditions to do so. Market growth is supposed to be natural, not forced. The market in this particular area is not big enough for a large number of actors/operators.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

We have stated above a certain number of issues we find important to take into account when discussing groundhandling in civil aviation. Having said so, we oppose a revision of the Directive. A revision would start a process which is difficult to control and increase instability on the market for

groundhandling. There would be greater advantages with a additional directive with demands for a vocational qualifications certificate after completing approved training.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Work Environment Authorities/Arbetsmiljöverket, National statistics databases/SCB

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**ACV-CSC TRANSCOM (ACV TRANSPORT EN COMMUNICATIE**

Trade Union/Worker's organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

ACV TRANSPORT EN COMMUNICATIE (ACV TRANSCOM) / CSC TRANSPORT ET COMMUNICATION (CSC TRANSCOM) is the trade union that is responsible for representing the worker's in the aviation industry (air traffic management, airport exploitation enterprises and ground handling enterprises). This representation is on national, regional and local level, as well as in the enterprises (collective bargaining on level of the enterprises, as well as on sectoral and national level).

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Subcontracting in the Belgian ground handling sector is a big problem. Not only are the wages and circumstances in which our workers have to operate very badly. The continuous pressures of the timetables, deadlines, security measures are an enormous burden. The competition between the handlers is also very hard and in most cases, the workers are the victim. We see that current handler are subcontracting some parts of their ground handling activities (those who they think/decided that aren't their core business) to other companies but under the contract/tender of the 'mother'-company. The safety measures, working conditions and wages of the workers aren't in most cases better than they are in the 'mother'-enterprise. That also has consequences on the workers. How should we explain that airplane cleaners of one company are better paid, have a better contract, don't have to do split-shifts, than their colleagues next to them? They all do the same kind of work, sometimes in the same types of airplane! We propose to end this distortion of competition. We like a complete stop of subcontracting in ground handling. If a company is a candidate to do a ground handling business, the company should be aware that they have to do the exploitation of their chosen services for the time they have the contract/tender or until the company decides not to do that specific services anymore. In case of ending their service, they can't 'sell' their service in case of tendering or work with subcontracting. In such case, the airport administrator should launch a new call for tender (in case of tendering). The biggest advantage is there will be no more competition on the back of the workers due to subcontracting. Also the competition between workers will disappear. Every company on the airside (that provides ground handling services) should have to play with the same arms.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

There are currently no minimum requirements in the Directive in terms of quality of services (in terms of training of staff, quality controls, environment protection, respect of safety and security rules, etc.). If quality measures were to be introduced, possible solutions would include: è Define for which task (for example towing) you need at least X-days of training and well defined which the minimum skills you should have are. è Refresh the skills on a regular basis. è Successful training should result in to a European recognized degree (license) you can use in every European airport. These measures should make the bad protected workers in ground handling more interesting to the employment market (on European, but also on national level). The national and European public services that are responsible for the rulemaking would have a bigger impact on the sector and their employees. Security should improve.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Directive 2001/23 is in most cases not applicable to diminution of work due to changed contracts. In our industry airlines and their contracts can change of operator very quickly. Therefore most of the employers use very bad types of contracts, temporary contracts, use split shifts and so more. The view towards jobs on airports and working for handlers has a very negative perception. In time of a better economic environment, it is very difficult to find enough workforces...

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The working conditions (for example occupation of teams per type of airplane), the state of the equipment, security for the workers are other big issues where the current directive isn't giving enough protection to workers and passengers. Therefore we think every country should be obliged to negotiate with the representative union(s) a way to protect the workers who loses their job due to change of contract. Licensing the tasks of the ground handling staff, a European regulated staff qualification and minimum standards for equipment that is used should improve their working conditions. We know that this will bring a lot of paper work for national and European authorities, but working conditions, well being, safety of workers and passengers are priceless.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

In the directive there is no obligation towards the material the handlers use (airside). In Zaventem we have two handlers: one with a long term view and one with a short term view. The handler with the long term view has invested the last years in equipment and good maintenance. The other one hasn't. Safety for workers and passengers are in stake here! We would like that in the new directive there is a link between a handler and the material he's using. All material should have enough maintenance and should be in good shape. The enterprise that managing the airport or the national authority should be obliged to make some kind of regular based control of material and equipment from the handling companies. Otherwise there is a lack of training and qualification. Therefore we ask: è Define for which task (for example. towing) you need at least X-days of training and well defined which the minimum skills you should have are. è Refresh the skills on a regular basis. è Successful training should result in to a European recognized degree (license) you can use in every European airport. These measures should make the bad protected workers in ground handling more interesting to the employment market (on European, but also on national level). The national and European public services that are responsible for the rulemaking would have a bigger impact on the sector and their employees. Security should improve.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Advantage of extending the tender period to 10 years is that the workers and enterprises could think long term and do the necessary investments in maintenance, material and staff.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)



(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

We see in Belgium that the airlines are complaining that the handling is too expensive. But, the total cost of the handling is only a fraction of the total of cost the airlines need to pay. Most of these costs are for the enterprise that manages the airport. The airports therefore need to be blocked into the undefined "reasonable profit margin" description. The airports are putting the pressure on the handlers and the handlers finally are putting the pressure on the workers! The application of Directive 2009/12 ????

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

The application of the rules about the separation needs more control. Some (smaller) airports are escaping the spirit of the directive by lack of control. We are for the separation into separated enterprises with their own accounts. Control to this separation should be done by an independent instance (European level???)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

The reports should be public. Certainly for the stakeholders (= also unions).

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

We are against the open market and the liberalization policy. The best and most secure way to exploit the airport is the public way. A public managed airport and handler organization.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Harmonizing the ground handling market could be positive if workers all over Europe should have a European license, recognized in all European airports for the skill the worker knows/has. Therefore the training and qualification needs to be in all of Europe on the same level, with the same content and the same way of examining if the content is known. A full opening of the market only leads to frequent failure of enterprises, social dumping en problems until the market stabilizes. But, that can take several years and what in the mean time??? This stabilization isn't everlasting. It only takes until a new player wants to get into the market and the game restarts... How's the victim??? The workers!

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in

data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

You can always contact us for further information and data. We are prepared to come and talk with you about it.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**STHA - SINDICATO DE TRABAJADORES DE HANDLING EN AEROPUERTOS DE ESPAÑA**

Trade Union/Worker's organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

My name Alberto Sánchez Domínguez, President of STHA España. I represent a trade union worker's organisation in Spain that involves only Handling Workers and many of them have deep disagreement with the management model and the liberalization of ground handling of aircraft at airports. Additionally the application in Spain, has caused serious disruptions and large labor discrimination, when the logical thing would have been that liberalization had been conducted in a regulated framework as possible and to set equitable social and labor conditions in the sector, to prevent companies compete with lower wages rather than competing by offering quality services.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Of course should be regulated more outsourcing, but in order to avoid licensing firms awarded ground handling even any sector, passenger or cargo ramp, can not make a turn subcontratación for the operational management of the business. We explain with an example given in Spain: Ground handling licenses in Cargo Handling, granted in Spain Calderon handling and this in turn subcontracts the operations of the business to a company called Eurotransmex. This means that workers are not employees for handling license of Calderon. Eurotransmex is not a handling company so as a company from the industry "offices & offices", salaries and conditions applied are different than other competitors so this company may offer lower prices in all the features than a real handling company which wages must meet the collective agreement in Spain for groundhandling sector. This practice should be prohibited and the companies that choose to join in groundhandling assume that they must perform the service with its own staff and apply groundhandling collective agreements.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

On the impact of implementing regulations on training, selection, service quality, personnel qualifications (licenses), and / or standardize the minimum number of personnel for each service, and material required to achieve the safe and efficient service. It would require training was governed by the civil aviation organizations in each country or the European Union, legislation similar to the jar ops. This situation would prevent the implementation of unskilled workers, without knowledge that is a serious risk to the safe operation of aircraft. The unification of programs and systems for check-in and loadsheet & balance sheet, could be both an improvement in quality, as better and smoother communications between airports and increased security in the operations. the introduction of licensing for handling flight dispatchers or agents who make loadsheets and balance sheets and those who make loadforms, would be required and enforced as required for each country by European standards, since this measure would have a direct impact on security air operation.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

AS we are an organization representing workers and their social and labor rights and conditions, we must demand that the directive should include a compulsory basis and collect, the need to maintain

the employment of professionals and further, understand that for proper organization sector and the competitiveness of enterprises, and that the offer price to airlines is adapted to the quality of service provided and not on labor costs for each of the companies. In this sense in Spain have already taken some steps with the signing of a collective agreement that regulates groundhandling subrogation of workers between companies when shipping groundhandling total or partial activity. While we understand that the agreement is positive, It's a minimum agreement that should be increased to ensure that the farm worker sector are great professionals and offer both, quality and safe service.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Establish regulations regarding the maximum time of continuous work, minimum rest time between sessions, just as is done in the flight group, is and would require that the ground staff that also affects the safety of flights have a minimum times stipulated in these respects.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

The need for the airlines should be represented at airports, since STHA understand that should be required that the airlines are represented, but not own the groundhandling by airline own staff, as well as lead to an increase in the quality of service, job or role of these representatives of airlines, is also to serve their passengers, supervise and monitor the work or services performed by the contracted agent groundhandling.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

-serves as an example the following: If all loadsheets should be contrasted with the final figures from check-in and loadforms, How is it possible that if loadsheets, the check-in and final figures loadforms match, Is there still losing luggage? Also from STHA know because we have been part of some studies and advocates the same way, quite the loadsheets flights and loadforms reflect a number of bags per warehouse that are audited when an arrival airport, have found that the amounts do not match . It would be interesting or mandatory that as passengers to embark on the flight must have a boarding pass which is controlled, tags and systems were implemented to control that suitcases to be stowed in a hold of an airplane are correct and are controlled as the passengers are.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

We believe that limiting the license to 7 years is short and should be extended to at least 10 years. It is also true that we think that the obligation to review the service performed by the successful bidders for licenses granted during the period, and that they should establish mechanisms for the withdrawal of the license at the slightest breach of the terms of the license.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

From STHA we say that the association of airport users and not only users, even the social or trade union workers organizations present at the airport and businesses affected by groundhandling should be part of the selection process and have a voice in the solving the awards.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as

the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

From STHA propose that for the licensing of self-groundhandling, is required a minimum frequency of operation, a commitment to minimum maintenance of self-service groundhandling 5 years and the existence of at least two airlines operating on the lines of the company claiming the self-groundhandling.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

STHA understands that most airport charges that air operations will be affected negatively. Rates should be solely to cover essential services and not as a method of increasing income.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

We understand this question that what is proposed is the possibility of outsourcing the management of the airport itself. STHA opposes the outsourcing of airport management to independent entities, the management of public infrastructure such as airports should be the responsibility of state government in each country

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

It is logical that each groundhandling accounts should be separated from the central unit of each business as a unique and independent.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

The audited accounts must be the necessary and regulated in each country by public finances.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

It is not necessary to pass tender, but should consider the requirement that instead of tendering all of licenses groundhandling, airports must activate your license to use, and as one which should be operational.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

The current may be correct

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

N/A

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Referring to the possible harmonization of groundhandling market, should require that companies wishing to qualify for a license groundhandling at any airport in the EU, must be licensed by the EU for this purpose. In this vein, the opening of this new figure would reduce the emergence of companies in the sector groundhandling from the fields of construction and annexes, as we have seen in recent years.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

For a complete liberalization of the sector, should be marked very specific limits in certain areas such as security of air operations, stable and quality employment and minimum training and continued training for professionals from groundhandling. Any other decisions in this direction may cause severe problems in social and laboral facts.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Obviously at Spanish airports have been shown and checked in the near future the increase to three operators at some airports has meant a drop in service quality, because the business is not enough for three operators and especially with the increased proliferative Alliances among airlines that could cause the disappearance of the activity of an operator. Therefore, we interpret the logical grounds and in some places non-existent space, it is necessary to set a high minimum volume of passengers and cargo at an airport for more than two operators exist

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

If the airport does not need more than two operators, the benefits would be better service, greater security and stability in employment. In contrast to open more than necessary can mean market insecurity and instability in employment as insurance companies pretend groundhandling the service profitable with the price of servicoo but with wages of workers. Additionally temporalize and precarious employment will bring more insecurity, unsafety and under-trained staff with fewer skills who do not improve the service.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Projects to be a licensee of groundhandling should have solid and extensive experience in the industry. Groundhandling New operators should be audited and required regulatory compliance, training and ground handling equipment that enables its adaptation to the sector in a proper and immediate

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

The criteria for granting licenses or approval should look the homogeneity of the territories to tender, the uniformity of air operaciopnes airports, and seasonality of operations. le license granted ground handling at airports where 80% of air traffic is charter can not create a diversification as the example of the Canary Islands, where the 5 airports in more than a license there or trying to survive 6 companies other than groundhandling, assumes that the intercom is bad or poor, and we understand that in these cases would be interesting to try to unify as much as

possible the supply of handling agents for the airlines to standardize their assistants at airports where they operate.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Basically at airports where there are more than one operator Groundhandling, licenses for self-handling should be limited and subject to compliance with the conditions already discussed in one of the above questions that are licensed to self-handling.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

N/A

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

N/A

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

N/A

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

N/A

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

As Unión workers organisation we deliver our assistance for any question you may have and will participate in any request from EU or partners in this subject. We inform you that the organization complece STHA is implanted in two EU member countries and that would be available to collaborate and contribute our knowledge and documentation of current training professionals handling, variety of social, labor and wages and conditions in temporary work experiences both in Portugal and Spain. You can contact us in email addresses: stha@stha.es -- asanchez@stha.es



Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**European Transport Workers ' Federation**

Trade Union/Worker's organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Trade union defending the interests of the employees.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Response 4: At the ETF we see the problem is not the lack of procedures or rules that regulate sub-contracting within the Aviation sector. The major issue we see is that once selected, the Company winning the tender must then NOT be all allowed to sub-contract the global service it has acquired. Sub-contracting completely alters the organisation of the activity and generates risks in areas such as occupational health and safety, operational safety and operational security. The multiple services and activities taking place around an aircraft at any given time result in a lack of co-ordination taking at place at the aircraft, leading to risks once again for operational security. Sub-contracted Companies' employ high levels of temporary staff leading to in our view incorrect application and fragmented knowledge/understanding of internal safety procedures. In 2005, the ETF addressed this issue in a Commission consultation paper related to the review of the Ground Handling directive. At this time the ETF's position was that "only first link sub-contracting should be allowed to avoid dilution of responsibilities, specifically in the field of social protection and agreements' procedures, and all sub-contractors like any handler should go through a licensing process". The experience in Aviation seen since has convinced the ETF that a new directive must totally prohibit the possibility of sub-contracting areas of activity after being selected in a call for tenders. In doing so, we firmly believe this will offer protection to workers as will be a way of stopping competition purely based on the reduction of labour costs and social dumping.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Response 5: Although the statistics show an improvement in the quality of airport services since the implementation of Directive 96/67/CE, the reality seen from within the sector is very different. The importance for quality of service as a priority has been relegated in favour of obtaining profit. GH Companies have been obliged to seek and achieve the maximum economic performance possible within the period of the contract/licence. In this context groundhandling operators have had absolutely no problems in reducing labour/staff costs to minimum levels, including regretfully training programs. The ETF has actually seen that training costs are now being included in the competition between Companies and the costs of these vital training programs being passed on to workers' themselves. It has to be noted also that asking for an 'excellence' in quality for service provision is completely at odds with a policy to contain costs/prices. If we now take into account the over-riding criteria (usually the only one) for an airline when selecting a GH provider is the cost of the contract, it should be apparent to most that levels of quality will reduce. The Ground Handling Social Partners (ACI, AEA, ERA, IACA, IAHA and ETF) launched in 2007 a project to examine joint approaches to training and qualifications in the GH Sector. The Conference that presented these findings (known as the Granada Conference from here onwards) accepted in its conclusions that "there is a link between quality of service and the price charged for the service. The Granada Conference also identified "a clear link between training, safety, and the quality of service". It was also agreed that "it is in the interest of the sector to ensure that training is accredited and registered on national frameworks". The Granada Conference agreed there is a need to develop

joint standards and suggested that “barriers to national accreditation and a method for a European recognition of qualifications to be examined”. Regarding quality standards in the selection process, retaining know-how and experience in the business is a must in order to maintain high level standards of quality. The ETF believe a compulsory licensing system should be implemented at European level so that every single worker in Ground Handling across the EU has a minimum level of training and a transparent knowledge of industry requirements, notably in safety and security. The ETF feel this work should be undertaken in a directive separate from Directive 96/67/EC. A control system and procedure will need to be put into this place to monitor this work and for this we feel the correct role would involve the creation of an 'Airport Inspector'. The Inspector however to be relevant, will require sufficient powers at their discretion to be able to sanction/fine those who do not comply with agreed quality and training requirements. To make sure the candidature for the Inspector is of the necessary standard, the Inspector should be nominated by European Organisations of workers' within the Aviation sector, in line with ITF Sea Port Inspectors.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Response 6: The transfer of staff after a call for tenders or after a partial or total loss of activity is a necessity without which the Sector WOULD NOT BE ABLE TO SURVIVE. The ETF has made its position completely clear that the transfer of staff is a conceptual strategic requirement and has wider social impacts which cannot remain neglected. When a consultation took place in 2007 on a possible revision of Directive 2001/23/EC, the ETF explained that the consequences of a call for tenders are very close to a transfer of undertakings. "It appears that frequently, the entry of a new operator in a ground handling market involves more than the mere continuity of the activity. Where this market is already opened, a ground handling services supplier succeeds to another one while the Managing body of the airport stands in its central position. The undertaking that consists in supplying ground handling services is let by the former supplier when its licence comes to its end. The Managing body latter then entrusts it to a new supplier. This is a triangular operation between the suppliers and the Managing body of the airport. The ECJC found such a situation fall within the scope of the Directive, provided that the considerer economic entity retains its identity, that there was no interruption between the successive operators and that the staff employed before the operation remains in place- ECJ 10 February 1988 "Foreningen af Arbejdsledere and Danmark v Daddy's Dance Hall" case 324/86- This could be also called a two-stage transfer. Transfer of staff is a strategic need since it is the only way to avoid that the cut-throat price competition and consequent race to further reduce labour costs to a level that puts the stability of the sector in danger, including Aviation in general. Sectorally, we see evidence that many businesses cannot generate the profit levels needed to survive. Such a situation leads to a risk of monopoly power developing once more where 2 or 3 dominant players carve up the remaining market. For Aviation as a whole, the high turnover of staff at airports put pressure on security systems costing millions of Euros. The ETF response is also born from a strong social demand, with the adoption of political declarations for topics related to GH. We would like to bring a specific mention to the ETF Policy Statement on Ground Handling Issues (March 23 2006) and on guidelines to obtain a European model on transfer of staff (Dec 2 2009). From seeing the results of the “I Spanish Ground Handling Sectorial Agreement” agreed by all Stakeholders and fully implemented in Spain, this has turned into a successful regulatory framework contributing business stability to the sector and job security to workers. The ETF Civil Aviation approved a resolution on Dec 5 2007 that “the Spanish model should be applied in any form of transport where there is a call for tenders”. It is key that a European system of transfer of staff is included in any revised Directive, along the lines of the Spanish model and applicable to all workers in GH. Workers must go where the work goes, whether there has been a call for tenders or a partial or total loss of activity on the part of the Handler (airport, airline or third party GH operator). An advanced system of protection for work will lead to many advantages in creating a base for a more stable and homogeneous sector where quality, safety and good organisational practices are leading factors involved in a tender submitted to an Airline when they are searching for a GH.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Response 7: Current conditions are so poor that a huge effort is needed to improve them. The ETF have suggested certain proposals as follows: - The compulsory and total transfer of staff in the case of a new licence being granted or a total/partial loss of activity (already explained). - To establish the ideal number of workers required to attend every type of aircraft. The evolving culture of fewer staff by an aircraft than we feel is adequate, is having dangerous effects on workers' health and safety. A correct number of staff per aircraft will undoubtedly reduce accidents and improve/increase overall safety standards. - To prohibit Ground Handlers' subcontracting their activities (already explained). - To implement minimum turnaround times focussing entirely on safety and not based on the premise that turnaround times have to be reduced as this time is "not profitable". Once again we see evidence of bad practice contributing to increased industrial injury and stress for workers. - To create a Scientific Commission to study the weight of every piece of luggage handled in the airports with the objective of implementing a maximum bag weight to prevent musculoskeletal injuries and worker absenteeism. This maximum checked-bag weight must never be more than 23kgs. - To implement a European training system, standardising the sector which is compulsorily enforced. Furthermore this must be complemented with an ad-hoc system of licences. Such an approach will neutralise the costs of training to the competition.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Response 10: A longer period for the contract would without doubt help bring stability to the sector, avoiding volatility for both Company and worker. The level of labour market stability has fallen dramatically since the introduction of the current Directive, impacting negatively on quality of service and operational security. It is a desirable/reasonable objective to set the tender/contractual period at a minimum of 15 years.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Response 11: It would be necessary to have compulsory worker representation within the AUC as per the German model. An AUC with more members will have more weight when presenting its recommendations.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Response 12: Every Airline Company operating from an airport should have the right to self-handle. This criterion should only be restricted on a capacity issue within an airport. If for example there is a limited ramp space within the airport, a General Service Provider or Airport Operator itself should offer the possibility to be able to hire out the equipment needed to run the ramp operation efficiently. We are witnessing with frequency that markets in airports with dominant Airline carriers doesn't allow competition between third parties to be profitable. In airports where more than 50% of the activity is dominated by one airline (or an alliance), the number of service providers should never be more than 2

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

Response 16: Reports from the independent examiner should be public. Trade Unions should be updated about the financial situation of each company.

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Response 17: As formerly mentioned, a selection criteria should be defined for all cases, even when there is only one handler at a given airport. This criterion should apply also to airports, even in those cases in which when the selection criteria is to carry out a call for tenders.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Response 20: Harmonisation is needed in the GH market. A clear set of rules applying at any EU airport will be the first step towards a coherent framework for airports, airlines, handlers and workers. The aspects to harmonize should be competition's criteria, transfer of staff, minimum training and qualification's levels (as stated in the ACI & ETF joint statement from January 21, 2005: "...Member States should proceed to the establishment of common requirements concerning the qualification of certain categories of ground handling personnel."),and quality of service's levels.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Response 21: There is absolutely no evidence that the GH market needs further opening or de-regulation. The current situation of the GH market actually proves the opposite case with levels of profit not high enough to sustain all the operators. Therefore the ETF oppose any further liberalisation of the GH market.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Response 22: Regarding thresholds, the only possible solution is to take into account the contestable market in order to assign a threshold to a given airport. Not doing so will only bring business precariousness and employment insecurity to the GH market, as much to handlers as to their employees.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

Response 23: Even in big airports the contestable market is not a mathematical constant that can be widely applied. Therefore, ETF considers that no further introduction of thresholds is needed, but a clear regulation that gives AUC's the possibility to decide the extension/reduction of thresholds (as long as Unions representing GH workers are included in the AUC).

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Response 24: The lack of a clear regulation to be identically applied in every EU airport is allowing some enterprises to act without the slightest compunction. Approval procedure and licence granting should be laid in the hands of a European regulator (i.e. EASA). This would help harmonizing the GH market and help reducing the cost to obtain the approval as the requisites will be known and applied equally in a centralized manner.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Response 25: Training and quality, as much as transfer of staff, must be included in the criteria taken into account for approval. The non compliance with these requisites after having being approved will result in the loss of the business licence.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Response 26: If we take for granted that the aim of Directive 96/67/EC is "...to introduce competition to reduce the operating costs of airline companies...", then we have to admit that it is necessary to keep the current definition of self-handling as roomy enough as it currently is to fit that aim. Refining the self-handling boundaries is not the solution. If an airline is making profit from its groundhandling activity, then the Directive should enforce this situation. What needs clear boundaries is how to share out the contestable market in each airport, making the GH business profitable for airports and third-party handlers as well.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Response 30: The objective to improve the efficiency of airports within the EU is too important to be placed at risk for special interest groups. With a revision of the 96/97 Directive we must use this opportunity to promote a reform of the existing model to guarantee future efficiency and security, both from a business and labour market perspective. A further more ambitious aim should be set to cover Aviation in the EU as a whole. This involves the setting up of a regulative and business framework to reflect the very real challenges we face in Aviation today (Single Market, SES, bi-lateral agreements, low-cost model, emerging markets, foreign subsidised companies). It is the ETF view that we must opt for an effective harmonisation of Civil Aviation in the EU. The review of the GH Directive gives us such an opportunity and is the correct moment/scenario to start this process. The aim of the harmonisation is clear, to strengthen the position of the Airlines, Airports, Airport Service Providers and all other sub-sectors who depend on this activity.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**United Services Union - Vereinte Dienstleistungsgewerkschaft, ver.di**

Trade Union/Worker's organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Die ver.di vertritt die Beschäftigten aus dem Ground Handling der Flughafengesellschaften und deren Tochterunternehmen, die Beschäftigten der Selbstabfertiger sowie der selbständigen Anbieter von Bodenabfertigungs/Bodenverkehrs-Dienstleistungen. Da die ver.di gleichzeitig Arbeitnehmer aller Berufe in der gesamten Luftverkehrsbranche und darüber hinaus der gesamten Transportwirtschaft (Ausnahme: Deutsche Bundesbahn) organisiert und deren Interessen vertritt, sind wir keine Lobby-Organisation einer kleinen Interessengruppe, sondern wirken als ausgewogene Interessenvertretung aller Arbeitnehmer der Transportbranche.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Subcontracting sollte verboten werden. Die bestehenden Möglichkeiten des Subcontracting bewirken das Unterlaufen staatlicher Regelungen. Zugleich dient die Untervergabe in der Praxis hauptsächlich dazu, bestehende Vergütungen und Arbeitsbedingungen zu vermeiden; Subcontracting befördert somit Lohn-Dumping und ruinösen Wettbewerb. Ein Verbot des Subcontracting würde keine Einschränkung seriösen Wettbewerbs bedeuten, da die Unternehmen die Möglichkeit haben, sich im Rahmen der gesetzlichen Regelungen bei Ausschreibungen offiziell um Aufträge für Ground Handling-Dienstleistungen zu bewerben.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Wir schlagen eine europäische Verordnung zur Aus- und Weiterbildung für Ground Handling-Beschäftigte vor. Der Erwerb der entsprechenden Qualifikation muss verpflichtend für die Ausübung von Tätigkeiten sein. Ausführende nationale Regelungen müssen staatlichen Behörden und nicht den Unternehmen überlassen werden. Zudem müssen ernsthafte Anforderungen an die Unternehmen und ihr Management eingeführt werden. Dabei muss auch beachtet werden, ob weit unterdurchschnittliche Arbeitsbedingungen zu Qualitätseinbußen zu Lasten des Auftraggebers und zu unakzeptablen Folgen für die Arbeitnehmer führen. Mit solchen Regelungen würde eine Sicherung der Qualität der Dienstleistungen stattfinden. Zudem wäre es auf Basis solcher Regelungen leichter, notwendige zusätzliche Qualifizierungsschritte vorzunehmen. Außerdem würden sie den Beschäftigten eine größere Mobilität ermöglichen.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Der Nachteil der bestehenden Richtlinie 2001/23/EG an der entsprechenden deutschen Vorschrift im § 613 a BGB zum Betriebsübergang ist, dass diese bei den Bodenverkehrsdiensten praktisch nicht zur Anwendung kommt, da es im rechtlichen Sinne meist nicht zu einem Betriebsübergang kommt: In der Praxis werden Dienstleistungen nicht per Rechtsgeschäft von einem Dienstleister auf einen anderen übertragen, sondern die Dienstleistungen werden wegen Geschäftsaufgabe des bisherigen Abfertigers oder durch Kündigung des Vertrages durch den Auftraggeber einer neuen Firma übertragen. Deshalb muss eine spezielle Regelung für das Ground Handling eingeführt werden, welche den beabsichtigten Arbeitnehmerschutz bei Betriebsübergang auch bei jedem Wechsel des

Ground Handling durchführenden Unternehmens erreicht. Ohne eine solche Regelung wird es weitere Qualitätseinbußen durch unerfahrene Unternehmen, welche lediglich geringe Löhne als Argument für ihre Beauftragung vorweisen und weitere Absenkungen der Arbeitsbedingungen und Vergütungen mit zusätzlichen nachteiligen Folgen für die Qualität der Dienstleistungen geben. Die Ertragskraft seriöser Unternehmen und die Steuereinnahmen der öffentlichen Hand werden dadurch gestärkt. Volkswirtschaftliche Nachteile einer solchen Regelung gibt es nicht.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Wir fordern eine Regelung, nach der nur solche Unternehmen Ground Handling Dienstleistungen anbieten dürfen, die einen repräsentativen Tarifvertrag anwenden. Dies würde viele Probleme beseitigen: Eine solche Vorschrift würde sicherstellen, dass die massive personelle Fluktuation bei Billiglohnunternehmen mit der Folge des immer wiederkehrenden Verlustes von Erfahrungswissen beendet würde. Die Beschäftigten wären nicht sozialer Willkür ausgesetzt. Seriöse Dienstleistungsunternehmen hätten nicht ruinöse Konkurrenz zu befürchten, Wettbewerb würde als Wettbewerb um die beste Qualität stattfinden. Fluggesellschaften müssten nicht immer wieder andere Ground Handling-Unternehmen beauftragen und hätten untereinander keine aus Lohnunterschieden im Ground Handling resultierende Wettbewerbsverzerrungen. Die Anwendung des jeweils repräsentativen Tarifvertrages sichert eine an die örtlichen und fachlich spezifischen Anforderungen ausgerichtete Bezahlung entsprechend dem, was die Tarifpartner als fachlich ausgewiesene Interessenvertretungen bereits für andere Unternehmen als richtig angesehen haben und vermeidet zu allgemeine Regelungen.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

Die Fluggesellschaften können sich durch den Ground Handling Dienstleister repräsentieren lassen.

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

Die Auswirkung der Bodenverkehrsdienst-Richtlinie auf die Sicherheit an den Flughäfen ist negativ: Je höher die Zahl der Bodenverkehrsdienste anbietenden Unternehmen wird, desto schwieriger ist das Sicherstellen der notwendigen Sicherheit (security). Die Anwesenheit von Arbeitnehmern unterschiedlichster Unternehmen in sicherheitsrelevanten Bereichen bewirkt erhöhten Kontrollaufwand und hat tendenziell eine geringere Sicherheit zur Folge. Flughäfen mit begrenztem Raumangebot haben besondere Schwierigkeiten, zusätzliche Bodenverkehrsdienst-Unternehmen die notwendigen Flächen/Räumlichkeiten zur Verfügung zu stellen. Die Koordinierung der verschiedenen, zum großen Teil gesplitteten Dienstleistungen wird wesentlich aufwendiger und bringt zusätzliche Sicherheitsprobleme (safety). Verkehrsbehinderungen, Zunahme von Koordinierungsaufwand und das Aufeinandertreffen nicht miteinander eingespielter Teams haben als praktische Folge zusätzliche Unfälle. Auch Flugzeugbeschädigungen nehmen zu.

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Die bisherige Geltungsdauer der Lizenzen ist gerade noch ausreichend für einen wirtschaftlichen Betrieb. Eine längere Laufzeit würde die Amortisation eingesetzter Anlagen erleichtern und für größere Planungssicherheit sorgen. Eine kürzere Geltungsdauer würde dies alles verhindern. Zudem würden auch die Beschäftigten, gerade unter den jetzigen ungenügenden Regelungen zum sozialen Schutz der Arbeitnehmer, andauernd vom Verlust ihrer wirtschaftlichen Existenz bedroht sein.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)



Das bestehende Anhörungsrecht der Flughafenutzer ist ausreichend. Es muss eine Gleichstellung von Fluggesellschaften, Flughafenbetreibern und Arbeitnehmervertretern geben.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Eine Regelung der Auswahl von Selbstabfertignern könnte theoretisch sinnvoll sein, ist jedoch aktuell praktisch nicht relevant.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

So lange die Gebühren für die Nutzung von Flughafeneinrichtungen transparent berechnet sind und ohne Einwände der Nutzer erhoben werden, ist das Installieren einer zusätzlichen Stelle nicht notwendig.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(siehe Antwort zu Frage 13)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

Durch die bestehende Verpflichtung zur buchhalterischen Trennung, die Testierung durch Wirtschaftsprüfer, die Kontrolle durch staatliche Behörden besteht ausreichende Transparenz; zusätzliche Regelungen sind nicht notwendig.

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(siehe Antwort zu Frage 15)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

Eine faktische Bewerbungspflicht für Flughafenunternehmen an ihrem Flughafen würde unter den gegebenen Rahmenbedingungen eine Zunahme unlauteren Wettbewerbs und eine Verdrängung der Flughafenunternehmen aus dem Ground Handling bedeuten. Permanente Bedrohung vor Arbeitsplatzverlust, tatsächlich stattfindende Auflösung von Beschäftigungsverhältnissen und die Verschlechterung der Arbeits- und Entgeltbedingungen wären die Folgen für die Beschäftigten. Gerade die Situation an den deutschen Flughäfen, an denen sich die Flughafengesellschaften aus dem Ground Handling zurückgezogen haben belegt, dass Leistungen einschließlich des Ground Handling „aus einer Hand“ für die Kunden und das Gesamtsystem Flughafen deutlich effektiver und stabiler sind.

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Die Flughafenbetreiber sind die Verantwortlichen für die Funktionalität des Flughafens. Deshalb müssen sie auch den zur Verfügung stehenden Raum managen. Eine andere Lösung würde das Gesamtsystem Flughafen weniger effizient werden lassen. An einigen Flughäfen würde eine weitere Marktöffnung zu deutlich negativen Folgen für die Sicherheit und Wirtschaftlichkeit (siehe Antwort zu Frage 9) führen.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(siehe Antwort zu Frage 18)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Eine Harmonisierung des europäischen Ground Handling Marktes ist in Bezug auf die Qualifizierung und ganz besonders bei den sozialen Vorschriften notwendig (siehe Antworten zu den Fragen 4 bis 7); darüberhinausgehend ist keine weitere Harmonisierung erforderlich. Zusätzliche Detailregelungen würden unterschiedliche nationale Situationen nicht gerecht werden können.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Vorteile eines gänzlich deregulierten Marktes gibt es nicht, lediglich Nachteile: Die Gesamtkosten eines deregulierten Marktes sowohl für die Nutzer wie für den Staat wären höher als heute. Wie das Beispiel von völlig geöffneten BVD-Märkten zeigt, würde die Qualität der Dienstleistungen abnehmen. Die sozialen Auswirkungen auf die Arbeitnehmer wären massiv negativ. Die bestehende Bodenverkehrsdienst-Richtlinie 96/67 EG hat bereits deutlich nachteilige Effekte gezeitigt. Die Deregulierung durch diese Richtlinie wurde ohne soziale und qualitative Absicherung betrieben. Weder wurde ein Schutz vor Arbeitsplatzverlust und Absenken der Arbeitsbedingungen beim Übergang von Dienstleistungen von einem Unternehmen auf ein anderes eingeführt, noch die Sicherung von ausreichenden Standards für Training und Qualifizierung und auch keine Anforderung an Unternehmen, Tarifverträge einzuhalten. Stattdessen wurde Lohndumping geradezu herbeigeführt. Die Vertragsverletzungsverfahren gegen Italien und Deutschland haben die bisherige soziale Ignoranz der Kommission belegt. Durch die RL 96/67 EG ist das Niveau der Lohn- und Arbeitsbedingungen in Deutschland gesunken. Zudem haben viele Flughäfen Arbeitsplätze ausgelagert, mit der Folge von Arbeitsplatzverlusten. Eine völlige Marktöffnung würde noch drastischere Folgen haben. Ver.di erwartet, dass die Kommission die sozialen Folgen einer weiteren Deregulierung bedenkt und aktiv daran mitwirkt, dass in Europa eine Angleichung der Lebens- und Arbeitsverhältnisse durch Verbesserungen und nicht durch Lohndumping bis zum Erreichen eines unteren Niveaus erfolgt. Wenn es eine Notwendigkeit zur Änderung des Rechtes gibt, dann die Implementierung von Sozialstandards. Es bedarf sowohl klarer Schutzregelungen im europäischen Recht wie auch die Möglichkeit der Mitgliedsstaaten, darüber hinausgehende nationale Arbeitnehmerschutzrechte zu installieren.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

Eine klarere Regelung, wann ein Schwellenwert erreicht ist, könnte sinnvoll sein. Jedoch sind zusätzliche Deregulierungsschritte, z.B. über das Absenken von Schwellenwerten negativ (siehe Antwort zu Frage 21). Die in der Vergangenheit von der Kommission betriebene Politik eines erzwungenen zusätzlichen Wettbewerbs unter Ground Handling Unternehmen hat zu einer deutlichen Stärkung der Marktmacht großer Fluggesellschaften geführt. Flughafengesellschaften und unabhängige Ground Handling Unternehmen sind dieser Marktmacht in der Praxis häufig nahezu hilflos ausgesetzt.

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(siehe Antwort zu Frage 22)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Es ist sinnvoll, Kriterien an die Zuverlässigkeit und fachliche Eignung von Unternehmen zu verstärken. Dabei muss endlich auch berücksichtigt werden, wie qualifiziert das eingesetzte Personal ist und ob gesetzliche und tarifvertragliche Regelungen eingehalten werden (siehe auch die Antworten zu den Fragen 5 und 7).

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(siehe Antwort zu Frage 24)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Eine Ausweitung der Definition Selbstabfertigung ist nicht notwendig. Die in der Vergangenheit manchmal erörterte Maßnahme der Ausweitung auf Unternehmen eines Luftfahrtbündnisses wäre keine Erweiterung der Selbstabfertigung, sondern eine weitgehende Freigabe. Damit würde eine Situation entstehen, in der die Marktmacht der Fluggesellschaften dazu führt, dass sie die Ground Handling Vertragsbedingungen weitgehend einseitig diktieren können.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Es gibt keinen Bedarf an speziellen Maßnahmen für das Handling von Fracht.

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Es gibt keinen Bedarf an klarstellenden Definitionen.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

Es gibt keinen Klarstellungs- oder Änderungsbedarf.

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

Verkehrsflughäfen haben bisher durch ihre Investitionen und Arbeitsplätze enorme ökonomisch positive Effekte ausgelöst. Zudem trugen die Qualität der erbrachten Dienstleistungen sowie die dargebotene Planungssicherheit für die Nutzer wesentlich zum Wohle der wirtschaftlichen Entwicklung der Mitgliedsstaaten und der EU insgesamt bei. Dies gilt es zu sichern. Wettbewerb um des Wettbewerbs willen, ohne Berücksichtigung der Folgen für die Arbeitnehmer und für die Qualität des Angebotes, darf es nicht geben. ver.di erwartet, dass die Kommission eine Abschätzung sozialer Auswirkungen von Vorschlägen berücksichtigt. Bei allen diskutierten Maßnahmen muss die Funktionsfähigkeit des Gesamtsystems Flughafen beachtet werden. Anders als bisher müssen

zukünftig die Interessen der Arbeitnehmerinnen und Arbeitnehmer im Mittelpunkt des Interesses stehen.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

An organisation

**union workers**

Trade Union/Worker's organisation

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

The liberalizing reforms always adversely affect the interests of workers, as has happened in Spain.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

None. The experience of these last twelve years has shown that economic conditions for workers have decreased significantly. Handling salaries are 30% lower today than 10 years ago for new hires. There are certainly more competition but benefits only to airlines that pay less for services received. A lower revenues from handling operators, lower wages for their workers.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

The directive should consider minimum wages for these workers.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

The transfer of staff work is done there should be one hundred percent guaranteed, including their working conditions. This is called subrogation universal. The working conditions must always be respected if we are good professionals.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

The subrogation universal.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Why not?

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Most conflicts are resulting from a breach of the agreements between emoresas and workers. Good working conditions ensure the stability and professionalism of the sector.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

The autohandling is the biggest mistake in all this. What sense does it establish mechanisms to grant licenses if part of the business is run the airlines themselves? It's absurd.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

Avoiding subsidies to the agencies to airlines.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

I refer to the previous answer. If we want free market to bear the consequences. Subsidies to companies for travel to certain destinations, distorts the market and prices.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Extending the same working conditions that prevail in all European Union countries. It may be that at this time has some dramatic differences between handling workers in different countries and companies.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

Just look at who has gone through not regulate the financial sector. Monopoly or total deregulation. There must be a middle ground.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

The limit is set the market if and only if the conditions of its workers are respected and away the subsidies from public bodies.

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

The TERMS AND CONDITIONS offer a guarantee of decent working and professional service and aficiente. Just look what happened in Spain with Air Comet.

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

Everything is linked. A company that keeps its workers, so does its customers. Training is essential because it reinvents itself.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

Not to autohandling.

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

Training, education and training

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

Supervision is necessary. Handling operators which do not comply should stop their activity to others that if they do. There are traders who do not pay well, do badly and late. It's unacceptable.

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

As I said before, the universal concept of subrogation. This means that if an airline changes its handling operator, the employee leaves her with its terms "ad personam". Without this premise, any amendment will fail and will lead to future problems.

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

I can only speak from experience in Spain. I've been in the handling sector 25 years and the only thing I can see is the continuous deterioration of our working conditions and lack of prospects in a sector that historically has been coveted and respected.



Respondent details (questions (1) and (2))

Your response is made on behalf of:

Myself (as a **citizen**)

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Empleado de línea aérea (IB), representante sindical y presidente del Comité de Trabajadores de GH en la Sección de Aviación Civil de la Federación Europea de Trabajadores del Transporte.

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

El problema no es la falta de normas que regulen la subcontratación en el sector; el problema es que no se debe admitir subcontratar a una empresa que ha resultado seleccionada para ofrecer un servicio global. Subcontratar deslocaliza la organización de la actividad y genera riesgos en materia de salud laboral y de seguridad de trabajadores, pasajeros y carga. La multiplicación de servicios descoordinados alrededor de las aeronaves supone también un riesgo para la seguridad operacional. Las empresas subcontratadas poseen plantillas sometidas a un alto índice de eventualidad, lo que dificulta un correcto cumplimiento de las normas de seguridad internas. Una nueva Directiva debería prohibir tajantemente la posibilidad de subcontratar áreas de actividad tras ser seleccionado en un concurso de adjudicación de licencia. Sería esta una forma de evitar la competencia basada en la reducción de los costes laborales y del dumping social.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Aunque las estadísticas indiquen una mejora de la calidad de los servicios aeroportuarios desde la implementación de la Directiva 96/67/CE, la realidad percibida en el entorno del sector es muy diferente: la calidad del servicio se ha visto relegada por la obtención de beneficio. Las compañías de GH se ven avocadas a obtener el máximo rendimiento económico dentro del periodo de concesión de la licencia; para ello no dudan en abaratar los costes de personal al mínimo posible, incluyendo en este ahorro todo lo relativo a la formación. De hecho los costes en formación se han convertido en factor de competencia entre compañías, intentando algunas cargar este coste en los propios trabajadores. Por otra parte, la excelencia en calidad está profundamente reñida con la contención de precios. Si además tenemos en cuenta que el factor esencial (y casi único) para las compañías aéreas a la hora de elegir un proveedor de servicios de GH es el precio ofertado, entenderemos la aseveración de que los niveles de calidad no han hecho más que disminuir. Además de un sistema de licencias obligatorio para todos los trabajadores del GH, que incluya como aspecto fundamental la formación pero también la experiencia, se debería implementar un sistema de formación europeo que obligase a obtener un nivel de formación básico para todo trabajador del GH en aeropuertos de la UE. Este trabajo se debería desarrollar en una directiva separada de la 96/67/CE. Y como sistema de control de todo lo anterior sería necesario crear la figura del "Inspector de Aeropuertos". Esta figura debería tener capacidad de sancionar a aquellos que no cumplieren con los requerimientos que en materia de calidad y/o formación se acordasen. Para asegurar una adecuada disposición en la búsqueda de la calidad deseada, estos inspectores deberían ser elegidos por las organizaciones europeas de representantes de los trabajadores del sector, al estilo de los inspectores portuarios de la ITF.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

La subrogación de trabajadores tras un concurso de adjudicación de licencias o tras la pérdida parcial o total de actividad es una necesidad sin la cual el sector NO PODRÁ SOBREVIVIR. La representación sindical de los trabajadores del sector a nivel europeo (ETF) ya ha dejado claro que esta es una necesidad conceptual estratégica y una demanda social que no puede quedar desatendida. Es una necesidad estratégica, pues es la única forma de evitar que la competencia en precios se convierta en una carrera por abaratar los costes laborales hasta niveles que pongan en peligro la estabilidad del propio sector y de la aviación en general. Del sector porque ya podemos comprobar como muchas empresas no generan los beneficios suficientes para sobrevivir, con lo que corremos el riesgo de volver a sistemas de monopolio donde las dos o tres que consigan aguantar se repartirán el mercado. Y de la aviación en general, pues la alta rotación de trabajadores en los aeropuertos hace más permeables a los sistemas de seguridad que por otro lado cuestan millones de euros. Es, además, una demanda social que ya ha quedado plasmada a nivel internacional en el seno de ETF con la adopción de una declaración política sobre temas relacionados con el GH, donde se incluye una mención específica al respecto de la subrogación de trabajadores en el sector del GH (23 de marzo de 2006) y de unas directrices para conseguir un modelo europeo de subrogación (2 de diciembre de 2009). Al haberse podido comprobar que el “I Convenio Colectivo General del Sector de Servicios de Asistencia en Tierra” acordado e implementado en España se ha convertido en un marco regulador que ha aportado estabilidad empresarial al sector y estabilidad laboral a los trabajadores, la Sección de Aviación Civil de ETF aprobó una resolución el 5 de diciembre de 2007 en la que se pedía este modelo se aplique en cualquier medio de transporte cuando se convoque un concurso de adjudicación de licencias. Es necesario que se incluya en la Directiva 96/67/CE un sistema de subrogación europeo similar al español. Los trabajadores deben ir donde va el trabajo, tanto tras un concurso de otorgación de licencias como tras una pérdida de actividad parcial o total por parte de un operador de handling. Un sistema avanzado de protección de los trabajadores crearía la base para conseguir un sector más estable y homogéneo, donde la calidad, la seguridad y las buenas prácticas organizativas primarían a la hora de postularse en un concurso de adjudicación de licencias y/o ante una compañía aérea que busque un proveedor de servicios de GH. En cualquier caso y para evitar que la competencia deteriore el servicio ofrecido en los aeropuertos, la subrogación de trabajadores debería ser obligatoria en caso de finalización del periodo de licencia de asistencia a terceros o de autoasistencia o en caso de pérdida parcial o total de actividad, tanto para operadores a terceros independientes y autohandling como para aquellos aeropuertos prestatarios de servicios de asistencia en tierra.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

: Las condiciones actuales son tan malas que se hace necesario un profundo esfuerzo por mejorarlas. Algunas propuestas:

- Subrogación obligatoria y universal de trabajadores en caso de concesión de licencia y en caso de pérdida parcial o total de actividad (ya explicado)
- Establecer el número óptimo de trabajadores para atender cada tipo de avión. La cultura de atender aviones con menos personal del adecuado se está imponiendo de manera peligrosa para la salud de los trabajadores. Un número adecuado de trabajadores atendiendo a cada avión evitaría incidentes y ayudaría a alcanzar unos mejores estándares de seguridad.
- Prohibir la subcontratación a los operadores de handling (ya explicado)
- Establecer unos tiempos mínimos de escala adecuados a la lógica de las normas de seguridad, no a la lógica que ve el tiempo de escala como tiempo “no rentable”. De nuevo nos encontramos con un ejemplo de malas prácticas que genera multitud de lesiones y stress entre los trabajadores.
- Crear una comisión científica que estudie el peso de cada pieza de equipaje manejado en los aeropuertos con el fin de proponer un peso máximo obligatorio para las maletas, evitando lesiones músculo-esqueléticas y bajas laborales. Este peso nunca podría ser superior a los 23kg.
- Implantar un sistema de formación europeo que homogeneizase el sector y que fuese de obligado cumplimiento. Se debería complementar con un sistema ad-hoc de licencias. Se evitaría la competencia en costes laborales de formación. Esta lista no es extensiva y está abierta a otras posibles mejoras laborales aportadas desde otros estamentos.

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

Una mayor duración de los contratos ayudaría sin duda a la estabilidad del sector, evitando la volatilidad de empresas y trabajadores. Los niveles de estabilidad laboral han caído de forma dramática en el sector desde la entrada en vigor de la actual Directiva, haciendo resentirse la calidad del servicio y la seguridad operacional. Sería deseable plantearse un periodo contractual de al menos 15 años.

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

Sería necesario incluir obligatoriamente a la representación de los trabajadores en los CU siguiendo el modelo alemán. Un CU con más miembros tendría incluso mayor peso a la hora de valorar sus preferencias.

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Cualquier compañía aérea operando desde un aeropuerto debería tener derecho a la autoasistencia. Este criterio solo debe ser restringido por cuestiones de espacio en los aeropuertos; al ser el espacio disponible un problema en la rampa de los aeropuertos, se debería ofertar la posibilidad de alquilar el material necesario para la operación en rampa a un proveedor general o al gestor del aeropuerto. Además con frecuencia, el mercado que deja libre en los grandes aeropuertos las compañías aéreas dominantes está por debajo del umbral mínimo para que la competencia entre terceros operadores sea rentable. En aquellos aeropuertos donde la operativa global esté por encima de un 50% en manos de una compañía aérea o de un conjunto de compañías aéreas (en el caso de las alianzas), el número de agentes de asistencia a terceros nunca debería ser mayor de dos.

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

No hay ninguna evidencia de que el mercado del GH necesite una mayor apertura. Al contrario, queda claro que con la liberalización/apertura actual no hay margen de beneficio para sostener tantos operadores en el mercado. Por tanto habría que oponerse a una mayor liberalización del mercado de GH. Además, con frecuencia, el mercado que deja libre en los grandes aeropuertos las compañías aéreas dominantes está por debajo del umbral mínimo para que la competencia entre terceros operadores sea rentable. En aquellos aeropuertos donde la operativa global esté por encima de un 50% en manos de una compañía aérea o de un conjunto de compañías aéreas (en el caso de las alianzas), el número de agentes de asistencia a terceros nunca debería ser mayor de dos.

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

Respondent details (questions (1) and (2))

Your response is made on behalf of:

Myself (as a **citizen**)

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

proteger los derechos del trabajador

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

no subcontratacion de hadling

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

proteccion del tabajador en todos los supuestos de trasbase de actividad

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

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(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

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Respondent details (questions (1) and (2))

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Myself (as a **citizen**)

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

Pilot, current extortionate prices for ground handling

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

A cap on prices would be necessary, although this would restrict profits for subcontractors, it would encourage more aircraft travel and trade, and better utilisation of medium sized airports.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

i think the standard of service and quality of training is fine and does not need to be regulated, the problem is that handling agents are charging small aircraft (under 1 ton) £100s of pounds for a service that doesn't justify the charges being levied. this is on top of a substantial landing fee.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

I think it's wrong that airport users are by law subject to compulsory handling as it means that the handlers can charge what they want. this is economically bad for the airport as it encourages users to look for smaller alternatives inconveniencing users... however if a fair price structure can be implemented or smaller operators can have the option deal with their own arrival as they would not require some of the services offered by a handling agent, but they are forced to pay for them anyway...

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

no

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

none known

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

end users costs stated in the tender process and consultation with airport users to ensure these are good value for money

(12) In the cases where the number of self-handling groundhandlers is limited, what would be the advantages and disadvantages of introducing a mechanism to select self-handling providers, such as the definition of criteria? Please specify the economic, social and environmental impacts. (Open-ended box)

Allowing light aircraft operators to handle themselves would reduce costs, and encourage better airport utilization as more people would fly to an airport, if they did not have to pay extortionate handling fees

(13) What would be the advantages and disadvantages of defining more precisely elements to be taken into account for assessing a fee and its "reasonable profit margin" part for the access to airports installations? (Open-ended box)

A profit margin and charges should have to be justifiable and there should be a scale of charges rather than just charging all users the highest price.

(14) What would be the advantages and disadvantages of an independent authority being in charge of monitoring airport installations' fees/charges (including for centralized infrastructures' fees and charges), similarly to what exists for airport charges in Directive 2009/12? Please specify the economic, social and environmental impacts. (Open-ended box)

more bureaucracy and cost would be a disadvantage, however if it made the handling operators accountable to someone it would be an advantage.

(15) Should more precision on the separation of accounts be given? If so, which stakeholders should be covered by this requirement, what should be the rules and which methods should be used to ensure effective implementation of the accounting separation requirement? Please specify the economic, social and environmental impacts (Open-ended box)

not sure

(16) What would you suggest to introduce more precisions about the independent examiner's checks? Should there be a compulsory and regular publication of the effective auditing of the accounts? Should the independent examiner's reports (or part of them) be available publicly? Please specify the economic, social and environmental impacts (Open-ended box)

not sure

(17) What would be for you the advantages and disadvantages of making it compulsory for airports and/or for the airports subsidiaries to pass a tender procedure? Please specify economic, social and environmental impacts (Open-ended box)

handling should not be compulsory

(18) What should be the best way to manage space for groundhandling activities at airports and ensure fair competition? (Open-ended box)

allow smaller operators to handle themselves and encourage the handling agents to focus on a seppdier turn around for airlines, to free up more space.

(19) In the case of fully opened markets for airside activities, what would be the advantages and disadvantages of the solutions proposed (or any other solution you might propose)? Please specify the economic, social and environmental impacts (Open-ended box)

deregulation and allowing smaller operators to handle themselves would be an advantage, or tighter regulation of pricing.

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

it could all be harmonizes as long as this brought down costs to users rather than incresed them...

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

no opinion

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

no opinion

(23) What would be the advantages and disadvantages of introducing additional thresholds for the minimum number of groundhandlers for very big airports? What threshold(s) would you suggest? Please specify economic, social and environment impacts. (Open-ended box)

if multiple ground handlers helped to bring costs down this would be a good thing howver currently there is a culture of price fixing where there are multiple operators...

(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

no opinion

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

quality and value for money should be taken into account for approval...

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

deregualtion would increase airport utilization

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

no opinion

(28) What would you suggest in order to clarify or amend the definition of "ground administration and supervision"? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (open-ended box)

define what is involved in this and what the maximum amount per size of aircraft that can reasonably be shared

(29) What would you suggest in order to clarify the concept of Centralized Infrastructures and improve the way these infrastructures are managed? Please specify the advantages and disadvantages of your suggestions, as EN 18 EN well as their economic, social and environmental impact. (open-ended box)

no opinion

(30) What are the other issues with the Directive you would like to draw to our attention? (Open-ended box)

no opinion

(31) Could you suggest sources of data and information which might be used by the study team to estimate the impacts of options for changes to the Directive? We would be particularly interested in data and facts covering the impact of the Directive on: • Changes in profitability of ground handling providers; • Staff wages, levels and contract types; • Staff qualifications and training provisions; • Health and safety of workers; • Staff transfer issues; Number of providers and length of service of incumbents; Quality levels in tenders.

price caps, for handling charges would be a improvement

Respondent details (questions (1) and (2))

Your response is made on behalf of:

Myself (as a **citizen**)

Do you want to make your contribution public?

Yes

(3) Please can you identify your role and interest in the potential revision of the Groundhandling Directive? (Open-ended box)

ATM/Airport safety officer in EASA

(4) Do you think specific rules regarding subcontracting would need to be introduced, for part or all groundhandling activities? If so, what should these rules contain? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

Rules on safety oversight of GH subcontractors by certified air operators (or certified aerodrome operators) developed through EASA. No environmental impact. Positive economic impact due to reduction of damages/accidents on the apron and more in general to aviation on the air side. Positive social impact due to higher quality of jobs in GH and creation of jobs for safety post holders/trainers.

(5) What would be the advantages and disadvantages of these solutions (or a combination of these) or any other tools that you might propose? Please specify the economic, environmental and social impacts of your suggestions. (Open-ended box)

Company certification, limited to safety aspects and limited to GH organisations potentially affecting aviation safety, based on common EC rules developed through EASA in the total system approach would be the optimal solution. Otherwise clear rules on oversight of subcontractors by certified organisations could be an option. Any option is environmentally neutral. Direct certification of GH based on EASA rules has three main economic advantages: - reduction of accidents/damages during ground aviation activities; - level playing field for competition among GH, since certification would be by a "neutral" competent authority and not through the aerodrome operators which could have a conflict of interest; - common rules developed through EASA (and not by 27 Member States) will cost less to taxpayers; in addition EASA safety rules in the total system approach would be more logically organised for companies providing different aviation services (e.g. air operations + GH or aerodrome operations + GH) The positive social impact would be mainly in terms of more jobs for safety management and higher quality jobs in the GH sector.

(6) What would be the advantages and disadvantages of introducing specific measures regarding transfer of staff in the groundhandling Directive for the cases which could fall beyond Directive 2001/23? Please specify economic, social and environmental impacts. (Open-ended box)

Common rules in the training of workers facilitate the voluntary mobility of workers.

(7) What other measures would you suggest to improve working conditions in the groundhandling sector? Please specify the advantages and disadvantages of your suggestions, as well as their economic, social and environmental impacts. (Open-ended box)

(8) What would be the advantages and disadvantages of obliging airport users to be present or to be legally represented by a groundhandler? Please specify the economic, social and environmental impacts. (Open-ended box)

(9) Have you encountered safety/security problems which could be linked to the implementation of the Directive? If yes, could you precisely describe such problems and their link to the Directive? (Open-ended box)

ECAST has established a specific group on Ground Safety and identified GH activities as a growing concern for aviation safety

(10) What would be for you the advantages and disadvantages of extending tender contracts to a different period of time such as 10 years? Please specify the economic, social and environmental impacts. (Open-ended box)

(11) What would you suggest to ensure that airport users' preference is better taken into account in the selection process, which at the same time would not result in conflicts of interest? Please specify the economic, social and environmental impacts. (Open-ended box)

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Safety certification as a pre-requisite for selection. Economic advantage: less damages/accidents on the ground Social: more and high quality jobs for safety management ENV: neutral

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Aviation development in order to better serve and safeguard citizens needs two "parallel rails": - widest possible market opening; but also - actually applied safety rules, through a framework as separate as possible from economic aspects

(20) What would be for you the advantages and disadvantages of harmonizing the European groundhandling market? Which specific aspects would you suggest to harmonize? Please specify the advantages and disadvantages of your suggestions as well as their economic, social and environmental impacts. (Open-ended box)

Common safety rules developed by EASA in pieces of legislation separate from the directive. The original directive was issued in 1996 when EASA was not yet borne. Now the legislator has decided that EASA is the centre piece for common EU safety regulation of aviation, in the total system approach (recital 1 of Regulation 1108/2009). GH belongs to the total aviation system.

(21) What would be for you the advantages and disadvantages of a full opening of the market (for airports above a given threshold)? Please specify economic, social and environmental impacts. (Open-ended box)

(22) What would be for you the advantages and disadvantages of the proposed mechanism (or any other mechanism that you might propose) to avoid airports oscillating around the threshold? Please specify the economic, social and environment impacts. (Open-ended box)

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(24) What would be the advantages and disadvantages to refine the conditions to obtain an approval? Please specify economic, social and environment impacts. (Open-ended box)

Common safety rules, developed and enforced through the EASA system: - have a positive economic and social impact (as already mentioned in reply to questions above) - are environmentally neutral

(25) What would be the advantages and disadvantages to change the criteria taken into account for approval? How about including training provisions or quality measures? Please specify economic, social and environment impacts. (Open-ended box)

The principle of safety certification prior to economic licensing/designation/selection is already applied to air operators, ATS providers and, in some States, to aerodrome operators.

(26) What would be the advantages and disadvantages to refine the boundaries of self-handling? Please specify economic, social and environmental impacts. (open-ended box)

(27) What would you suggest to improve the handling of freight? Please specify the advantages and disadvantages of your suggestions, and their economic, social and environmental impacts. (open-ended box)

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ECAST Ground Safety WG (Secretary: Michel Masson in EASA).