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Subject : Proposal for a Directive of the European Parliament and of the Council on Airport Charges
 - Outcome of the European Parliament's first reading
 (Strasbourg, 14 to 17 January 2008)

I. INTRODUCTION

The Rapporteur, Mr Ulrich STOCKMANN (PSE - DE), presented a report consisting of 45 amendments (amendments 1 - 45) to the proposal for a Directive on behalf of the Committee on Transport and Tourism. In addition, the Greens/EFA political Group tabled one amendment (amendment 46) and the EUL/NGL political group tabled two further amendments (amendments 47 and 48).

II. DEBATE

The Rapporteur opened the debate, which took place on 14 January 2008, and:

- stressed the difficulties during the last fifteen years in setting out common principles for levying charges at Community airports due to the opposing interests of the parties concerned. There are also very different systems for setting the airport charges across Member States;

- noted that the aims of this Directive are to prevent any abuse of a dominant position and to guarantee a functioning, non-discriminatory and transparent procedure for calculating airport charges;
- described the outcome of the negotiations within the Committee on Transport and Tourism as a big step forward. This compromise includes the application of the rules to airports with an annual traffic of more than five million passengers and to airports which account for more than 15 % of a Member State's annual passenger movements.
- stated that airports' freedom of choice between different business models is maintained and that airport networks are included in the scope of the provisions. Furthermore, the tasks of the national independent regulatory authorities are now more concrete and the burdensome appeal procedures are limited. The delegation of power to regional authorities is part of the compromise reached within the Transport Committee.
- spoke in favour of including the costs of improved infrastructure projects in the calculation of charges by way of pre-financing.
- supported a differential approach to airport charges, taking into account environmental criteria.

Commissioner BARROT

- noted that the proposal for a Directive aims at introducing into Community law the principles of non-discrimination, transparency and consultation which are already established in the framework of the International Civil Aviation Organisation (ICAO);
- stressed the importance of a dialogue between carriers and airports when the charges are being fixed. He highlighted the creation of the national independent regulatory authorities as a key element to ensure the respect of the basic principles;
- stated that the Commission can accept the new thresholds for the scope, and can also accept taking environmental aspects into account when charges are being fixed;
- noted that the Commission can accept neither a delegation of power from the national independent regulatory authority to regional entities nor including the costs of improved infrastructure projects in the calculation of charges by way of pre-financing;
- thanked the Rapporteur and the Committee on Transport for their excellent work which improved the text considerably.

Mr Brian SIMPSON (PSE - UK), on behalf of the PSE Group,

- thanked the Rapporteur for his work and expressed support for the position of the Transport Committee. The report now presents a more realistic and balanced position than the original Commission proposal;
- speaking in his personal capacity, questioned the need for the proposal of the Commission in this format and at this time. Whilst in favour of transparent airport charges and recognising the need to prevent abuse of dominant positions, Mr SIMPSON disagreed with the scope of the Directive and the way the figures are set, calling them arbitrary.

Mr Arunas DEGUTIS (ALDE - LT), speaking on behalf of the ALDE Group,

- supported the compromise package from the Transport Committee, especially the elements on the scope of the Directive;
- recalled that many airports have a dominant position and that this Directive is necessary on consumer-protection grounds;

Mr Zolt Laszlo BECSEY (EPP/ED - HU) speaking on behalf of the EPP/ED Group,

- supported the compromise and the report of the Transport Committee;
- stressed the importance of having a single common approach in setting the scope of this Directive. He cannot accept a different treatment of airports in the different Member States;
- noted the inclusion in the comprise of rules on national independent regulatory authorities and on transparency, which both benefit consumers in particular;
- stressed that further discussions are necessary in view of reaching an agreement with the Council;

Mrs Eva LICHTENBERGER (Greens/EFA - AT), speaking on behalf of the Greens/EFA Group,

- stressed how difficult it was to find a position within the Transport Committee due to the strong lobbying of the interested parties;
- stated that smaller airports should have been included in the scope because low-cost carriers often get particularly advantageous conditions at these airports, which leads to unfair competition with respect to the bigger airports;
- stressed the need to take environmental criteria into account when setting the charges;

Mr Antonio DE BLASIO (EPP/ED - HU), speaking on behalf of the Committee on Regional Development,

- stressed the importance of airports, especially smaller ones, for the development of infrastructure and regional economies;
- welcomed the compromise found in the Transport Committee, especially where objective criteria will be set to prevent major airports from abusing their dominant positions, and welcomed the creation of an independent regulatory authority.

III. VOTE

The parliament adopted all 45 amendments (amendments 1 - 45) when it voted in plenary on the following day, 15 January 2008:

(i) adopted amendments which the Commission can accept in full

These were amendments 8, 10, 11 and 12.

(ii) adopted amendments which the Commission can accept in principle

These were amendments 3, 21, 27, 29, 30, 33, 35, 40, 44 and 45.

(iii) adopted amendments which the Commission can accept with redrafting

These were amendments 14 and 15.

(iv) adopted amendments which the Commission can accept in part

These were amendments 7 (1st part), 16, 17, 18, 22 and 35 (1st part)

(ii) adopted amendments which the Commission rejects

These were amendments 1, 2, 4, 5, 6, 9, 13, 19, 20, 23, 24, 25, 26, 28, 31, 32, 34, 36, 37, 38, 39, 41, 42 and 43.

The text of the amendments adopted and the European Parliament's legislative resolution are annexed to this note.

Airport charges *I**

European Parliament legislative resolution of 15 January 2008 on the proposal for a directive of the European Parliament and of the Council on airport charges (COM(2006)0820 – C6-0056/2007 – 2007/0013(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0820),
 - having regard to Articles 251(2) and 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0056/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Regional Development (A6-0497/2007),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Recital 1

(1) The main task and commercial activity of airports is to ensure the handling of aircraft, from landing to take-off, and of passengers and cargo, so as to enable air carriers to provide their air transport services. For this purpose, airports offer a number of facilities and services related to the operation of aircraft and the processing of passengers and cargo, the cost of which they generally recover through airport charges.

(1) The main task and commercial activity of airports is to ensure the handling of aircraft, from landing to take-off, and of passengers and cargo, so as to enable air carriers to provide their air transport services. For this purpose, airports offer a number of facilities and services related to the operation of aircraft and the processing of passengers and cargo, the cost of which they generally recover through airport charges. ***Facilities and services for which charges are levied should be provided on a cost-efficient basis.***

Amendment 2

Recital 6

(6) ***An*** independent regulatory authority should be established in every Member State so as to ensure the impartiality of its decisions and the proper and effective application of this Directive. The authority should be in possession of all the necessary resources in terms of staffing, expertise, and financial means for the performance of its tasks.

(6) ***One*** independent regulatory authority should be ***nominated or*** established in every Member State so as to ensure the impartiality of its decisions and the proper and effective application of this Directive. The authority should be in possession of all the necessary resources in terms of staffing, expertise, and financial means for the performance of its tasks, ***so as to ensure that airports provide their services and facilities on a cost-efficient basis.***

Amendment 3
Recital 9

(9) **Due to** the emergence of air carriers operating air services at low *costs*, airports served by these carriers should be enabled to apply charges corresponding to the infrastructure and/or the level of service provided as air carriers have a legitimate interest *to require* services from an airport that correspond *with* the price/quality ratio. However, access to such **reduced** level of infrastructure or services should be open to all carriers that wish to avail of them on a non-discriminatory basis. *In case* demand exceeds supply, access must be determined on the basis of objective and non-discriminatory criteria to be developed by an airport managing body.

(9) **Given** the emergence of air carriers operating air services at low *cost*, airports served by these carriers should be enabled to apply charges corresponding to the infrastructure and/or the level of service provided as air carriers have a legitimate interest *in requiring* services from an airport that correspond *to* the price/quality ratio. However, access to such **a different** level of infrastructure or services should be open to all carriers that wish to avail *themselves* of them on a non-discriminatory basis. *If* demand exceeds supply, access must be determined on the basis of objective and non-discriminatory criteria to be developed by an airport managing body. ***Any differentiation and/or increase in charges should be transparent, objective and based on clear criteria. Differentiation might be considered an incentive for the opening up of new routes and thus aid regional development in regions which suffer from geographical and natural handicaps, including the outermost regions.***

Amendment 4
Recital 10

(10) As the methods for establishing and levying the amounts due for the coverage of security costs differ across the Community, the harmonisation of the basis for charging security costs at Community airports where the costs of security are reflected in the airport charges is necessary. At these airports the charge should be related to the cost *for* providing security, taking into account any public financing of security costs.

(10) As the methods for establishing and levying the amounts due for the coverage of security costs differ across the Community, the harmonisation of the basis for charging security costs at Community airports where the costs of security are reflected in the airport charges is necessary. At these airports the charge should be related to the ***actual*** cost of providing security, ***with accurate management of*** any public financing ***and State aid granted to meet*** security costs, ***and the service should be provided at cost price as a result of which no profits are made. The revenue obtained from airport charges introduced to cover security costs should be used exclusively for implementing security measures.***

Amendment 5
Recital 11

(11) Airport users should be entitled to a ***minimum*** level of service in return for the charges they pay. To ensure this, the service level should be the subject of agreement between the airport managing body and the association(s) representing the airport users at the airport, to be concluded at regular intervals.

(11) Airport users should be entitled to a ***fixed*** level of service in return for the charges they pay. To ensure this, the service level should be the subject of agreement between the airport managing body and the association(s) representing the airport users at the airport, to be concluded at regular intervals.

Amendment 6
Article 1, paragraph 1

1. This Directive sets common principles for the levying of airport charges at Community airports.

1. This Directive sets common principles for the levying of airport charges at Community airports. ***This shall be without prejudice to the freedom of the airport managing body to opt for the single or dual till system or for a combined system.***

Amendment 7
Article 1, paragraph 2, subparagraph 1

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty and open to commercial traffic whose annual traffic is over ***1 million passenger movements or 25 000 tonnes of cargo.***

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty and open to commercial traffic whose annual traffic is over ***5 million passenger movements or which accounts annually for more than 15% of the passenger movements in the Member State in which it is located.***

Member States may, after a thorough investigation by the national competition authority, also apply this Directive to other airports if this proves necessary.

Amendment 9
Article 1, paragraph 2, subparagraph 1 a (new)

This Directive also applies to airport networks and all airports organised into networks in any territory subject to the provisions of the Treaty.

Amendment 8

Article 1, paragraph 2, subparagraph 1 b (new)

Member States shall publish a list of the airports on their territory to which this Directive applies. This list shall be based on data from EUROSTAT and shall be updated annually.

Amendment 10

Article 1, paragraph 2, subparagraph 2

This Directive shall not apply to the charges collected for the remuneration of en-route and terminal air navigation services in accordance with Commission Regulation (EC) 1794/2006 laying down a common charging scheme for air navigation services, or to the charges collected for the remuneration of groundhandling services referred to in the Annex of Council Directive 96/67/EC on access to the groundhandling market at Community airports.

This Directive shall not apply to the charges collected for the remuneration of en-route and terminal air navigation services in accordance with Commission Regulation (EC) 1794/2006 laying down a common charging scheme for air navigation services, or to the charges collected for the remuneration of groundhandling services referred to in the Annex of Council Directive 96/67/EC on access to the groundhandling market at Community airports, ***or to the charges levied for the funding of assistance to disabled passengers and passengers with reduced mobility referred to in Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air¹.***

¹ OJ L 204, 26.7.2006, p. 1.

Amendment 11
Article 2, point (b)

(b) ‘airport managing body’ means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws or regulations the administration and management of the airport infrastructures and the co-ordination and control of the activities of the different operators present in the airports concerned;

(b) ‘airport managing body’ means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws or regulations the administration and management of the airport **or airport network** infrastructures and the co-ordination and control of the activities of the different operators present in the airports **or airport network** concerned;

Amendment 12
Article 2, point (d)

(d) ‘airport charge’ means a levy collected for the benefit of the airport managing body and paid by the airport users and/or air passengers **with a view to recovering all or part of the cost** of facilities and services which are exclusively provided by the airport management body and which are related to landing, take-off, lighting and parking of aircraft, and processing of passengers and freight;

(d) ‘airport charge’ means a levy collected for the benefit of the airport managing body and paid by the airport users and/or air passengers **for the use** of facilities and services which are exclusively provided by the airport management body and which are related to landing, take-off, lighting and parking of aircraft, and processing of passengers and freight;

Amendment 13
Article 2, point (e)

(e) ‘security charge’ means a levy which is specifically designed to recover all or part of the cost of security measures intended to protect civil aviation against acts of unlawful interference.

(e) ‘security charge’ means a levy which is specifically designed to recover all or part of the cost of **minimum** security measures intended to protect civil aviation against acts of unlawful interference, **as laid down in Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security**¹.

¹ OJ L 355, 30.12.2002, p. 1.

Amendment 14
Article 2, point (e a) (new)

(ea) ‘airport network’ means a number of airports in a Member State that are operated by an airport management body designated by the competent national authority.

Amendment 15
Article 3, paragraph 1 a (new)

This provision shall not stand in the way of the introduction of adjustments to charges for objective, transparent reasons of general interest.

Amendment 16
Article 3 a (new)

***Article 3a
Airport network***

In order to ensure that access is provided to the airports in an airport network at a cost commensurate with the number of air passengers, Member States may permit the operators of airport networks to introduce a uniform and transparent system of airport charges for all the airports belonging to the network. Permission may only be granted on condition that competition between the airports in different Member States is not distorted, for example from the point of view of tourism. In the event of a dispute, the complainant may apply to the Commission on the basis of the relevant EC competition rules.

Amendment 17
Article 4, paragraph 1

1. Member States shall ensure that at each airport a compulsory *and regular* procedure for consultation between the airport management body and airport users or representatives of airport users is established with respect to the operation of the system of airport charges and the level of such charges. *Such consultation shall take place at least once a year.*

1. Member States shall ensure that at each airport *to which this Directive applies* a compulsory procedure for consultation between the airport management body and airport users or representatives of airport users is established with respect to the operation of the system of airport charges and the level of such charges, *including the level of service quality to be provided by the airport managing body in return for the airport charge. Member States shall ensure that such consultation takes place in advance of airport managing bodies or airport users wishing to introduce or to make significant changes to the structure or level of airport charges. Where there is a multi-annual agreement between the airport managing body and the airport users or representatives of airport users, consultation shall take place in accordance with the provisions of that agreement.*

Amendment 18
Article 4, paragraph 2

2. Member States shall ensure that, wherever possible, changes to the airport charges system or to the level of charges are made in agreement between the airport managing body and the airport users. To that end, the airport managing body shall submit any proposal to modify the airport charges system or the level of airport charges to the airport users no later than **4 months** before they enter into force, together with the reasons for the proposed changes. At the request of any airport user, the airport managing body shall hold consultations on the proposed changes with the airport users and take their views into account before the final decision is taken. The airport managing body shall publish its final decision **no later than 2 months before it enters** into force. The airport managing body shall justify its decision with regard to the views of the airport users in the event no agreement on the proposed changes is reached between the airport managing body and the airport users.

2. Member States shall ensure that, wherever possible, changes to the airport charges system or to the level of charges are made in agreement between the airport managing body and the airport users. To that end, the airport managing body shall submit any proposal to modify the airport charges system or the level of airport charges to the airport users no later than **six months** before they enter into force, together with the reasons for the proposed changes. At the request of any airport user, the airport managing body shall hold consultations on the proposed changes with the airport users and take their views into account before the final decision is taken. The airport managing body shall publish its final decision **within a reasonable time prior to it entering** into force. The airport managing body shall justify its decision with regard to the views of the airport users in the event no agreement on the proposed changes is reached between the airport managing body and the airport users.

Amendment 19
Article 4, paragraph 3

3. Member States shall ensure that in the event of a disagreement over a decision on airport charges, **either party** may seek the intervention of the independent regulatory authority which shall examine the justifications for the modification of the airport charges system or the level of airport charges.

3. Member States shall ensure that in the event of a **definitive** disagreement over a decision on airport charges, **the airport managing body or the airport users, as long as they represent at least two unrelated airlines or at least 10% of the annual aircraft movements or the annual passenger numbers at the relevant airport,** may seek the intervention of the independent regulatory authority which shall examine the justifications for the modification of the airport charges system or the level of airport charges.

The independent regulatory authority nominated or established under Article 10 shall:

(a) establish a procedure for resolving disagreements between the airport managing body and the airport users or their representatives on changes to the level or structure of airport charges, including changes relating to quality of service;

(b) determine the conditions under which a disagreement can be brought to it for resolution;

(c) determine the criteria against which disagreements will be assessed.

These conditions and criteria shall be non-discriminatory, transparent and in line with the principles of EC competition law and this Directive.

The examination of a change to the airport charges system or the level of airport charges shall not have a suspensory effect.

Amendment 20

Article 4, paragraph 3 a (new)

3a. The airport user shall provide prima facie evidence that the airport in question has taken measures that infringe EC competition law.

Amendment 21

Article 4, paragraph 3 b (new)

3b. This shall be without prejudice to any existing dispute resolution or statutory appeal process.

Amendment 22
Article 5, paragraph 1, point (b)

- (b) the *method of calculation of* charges; (b) the *methodology used to establish* charges, *stating whether a single or a dual till system or a combined system has been used*;

Amendment 23
Article 5, paragraph 1, point (c)

- (c) the overall cost structure of the airport; (c) the overall cost structure of the airport *related to the facilities and services which the airport charges are intended to cover, to the extent that it is relevant for calculating airport charges and is required to be included in the annual business report*;

Amendment 24
Article 5, paragraph 1, point (d a) (new)

(da) airport revenue from State aid, subsidies and other monetary support in relation to the revenue from charges;

Amendment 25
Article 5, paragraph 1, point (d b) (new)

(db) State and regional aid granted to the airport and the amount of resources derived from central financing in connection with public service obligations;

Amendment 26
Article 5, paragraph 1, point (f)

- (f) forecasts of the situation at the airport as regards *the charges*, traffic growth and any proposed investments; (f) forecasts of the situation at the airport as regards traffic growth and any *major* proposed investments;

Amendment 27
Article 5, paragraph 1, point (h)

(h) the *productivity of the* investments in terms of their effects on *the* airport capacity and *the quality of services provided*.

(h) the *predicted output of any major proposed* investments in terms of their effects on airport capacity and *service quality*.

Amendment 28
Article 5, paragraph 2, introductory wording

2. Member States shall ensure that airport users submit information to the management body *on a regular basis*, concerning in particular:

2. Member States shall ensure that airport users submit information to the management body, *prior to any expected changes in the level of airport charges or the airport charges system or prior to the introduction of new charges*, concerning in particular:

Amendment 29
Article 5, paragraph 3

3. The information provided on the basis of *this article* shall be considered as confidential and handled accordingly.

3. The information provided on the basis of *paragraphs 1 and 2* shall be considered as confidential and handled accordingly. *It shall be subject to national legislation on the confidentiality of data. In the case of airports that are quoted on the stock exchange, stock exchange regulations in particular must be complied with.*

Amendment 30
Article 5, paragraph 3 a (new)

3a. Within a framework of appropriate rules on confidentiality, the independent regulatory authority shall have access to all the information that it requires in connection with its activities.

Amendment 31
Article 6, paragraph 1

Member States shall ensure that the airport managing body consults with airport users before plans for new infrastructure projects are finalised.

Member States shall ensure that the airport managing body consults with airport users before plans for new infrastructure projects are finalised. ***Within a maximum of five years before the investment becomes operational, the airport managing body may assert its interests by way of pre-financing when airport charges are set.***

Amendment 32
Article 6, paragraph 1 a (new)

The airport managing body may pre-finance new infrastructure projects by increasing airport charges accordingly, on condition that

a) airport users are provided with transparent information on the extent and duration of airport charge increases;

b) all additional revenue is used solely for the construction of the planned infrastructure;

c) all official authorisations have been obtained.

Amendment 33
Article 7, paragraph 1

1. In order to ensure smooth and efficient operations at an airport, Member States shall ensure that the airport managing body and the association or associations representing airport users at the airport enter into negotiations with a view to concluding *a* service level **agreement** with regard to the quality of service provided at the airport terminal or terminals, and the exactitude and timeliness of information provided by airport users on their projected operations referred to in Article 5(2), to allow the airport to fulfil its obligations. Such agreement shall be concluded at least once every two years and be notified to the independent regulatory authority of each Member State.

1. In order to ensure smooth and efficient operations at an airport, Member States shall ensure that the airport managing body and the association or associations representing airport users at the airport enter into negotiations with a view to concluding **agreements on each** service level, **in accordance with the provisions on differentiation of charges provided for in Article 8**, with regard to the quality of service provided at the airport terminal or terminals, and the exactitude and timeliness of information provided by airport users on their projected operations referred to in Article 5(2), to allow the airport to fulfil its obligations. Such agreement shall be concluded at least once every two years and be notified to the independent regulatory authority of each Member State.

Amendment 34
Article 8, title

Differentiation of charges

Differences in charges

Amendment 35
Article 8, paragraph 1

1. Member States shall take the necessary measures to allow the airport managing body to vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim *to provide* tailored services or a dedicated terminal or part of a terminal. The level of airport charges may be differentiated according to the quality and scope of such services.

1. Member States shall take the necessary measures to allow the airport managing body to vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim *of providing* tailored services or a dedicated terminal or part of a terminal. The level of airport charges may be differentiated according to the quality and scope of such services, ***but may also be differentiated according to environmental performance, noise pollution or other public interests on the condition that it is determined on the basis of relevant, objective and transparent criteria.***

Member States shall also ensure that airports levy the same charge for the same service. The airport managing body may grant airport user concessions on charges based on the quality of a service used, provided that the concession in question is available to all users of the airport under publicised, transparent and objective conditions. It may grant a concession to users which open new routes, provided that the concession is similarly granted in a public and non-discriminatory manner and is made available to all airport users in the same way, in accordance with EC competition law.

Amendment 36
Article 8, paragraph 2

2. Member States shall *ensure that any airport user wishing to use the tailored services or dedicated terminal or part of a terminal, shall have access to these services and terminal or part of terminal.*

In the case that more users wish to have access to the tailored services and/or a dedicated terminal or part of terminal than it is possible due to capacity constraints, access shall be determined on the basis of relevant, objective, transparent and non-discriminatory criteria.

2. Member States shall *take the necessary measures to allow the airport managing body to vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim of providing tailored services or a dedicated terminal or part of a terminal. The level of airport charges may be differentiated according to the quality and scope of such services.*

Amendment 37
Article 9, introductory wording

Security charges shall be used exclusively to meet security costs. These costs shall be determined using the principles of accounting and evaluation generally accepted in each of the Member States. However, Member States shall ensure that particular account is taken of:

Security charges shall be used exclusively to meet security costs ***and shall not exceed those costs. No profit may be made on security charges.*** These costs shall be determined using the principles of ***economic and operational efficiency and of*** accounting and evaluation generally accepted in each of the Member States. ***The Member States shall ensure that the costs are distributed fairly among the various user groups at each airport.*** However, Member States shall ensure that particular account is taken of:

Amendment 38
Article 9, indent 2

– the expenditure on security staff and security operations;

– the expenditure on security staff and security operations, ***excluding the cost of short-term heightened security measures; such measures, imposed under national legislation on special risk assessments and resulting in extra expenditure, shall not be subject to the provisions of this Directive;***

Amendment 39
Article 9, indent 3

– the grants and subsidies allocated by the authorities for security purposes.

– the grants and subsidies allocated by the authorities for security purposes, ***which have to be properly taken into account.***

Amendment 40
Article 9, paragraph 1 a (new)

The proceeds from security charges levied at a particular airport may be used only to cover airport security expenditure incurred in the place in which the charges were levied. In the case of airport networks, the proceeds from security charges may be used only to cover security expenditure arising at airports belonging to the network.

Amendment 41
Article 9 a (new)

Article 9a

The costs of implementing security measures which are more stringent than the minimum security measures laid down in Regulation (EC) No 2320/2002 shall be borne by the Member States.

Amendment 42
Article 10, paragraph 1

1. Member States shall nominate or establish an independent body as their national independent regulatory authority in order to ensure the correct application of the measures taken to comply with this Directive and to **assume** the tasks assigned under Articles 4 and 7. Such body may be the same as the entity entrusted by a Member State with the application of the additional regulatory measures referred to in Article 1(2), including with the approval of the charging system and/or the level of charges, provided that it meets the requirements of paragraph 2.

1. Member States shall nominate or establish an independent body as their national independent regulatory authority in order to ensure the correct application of the measures taken to comply with this Directive and to **ensure that** the tasks assigned under Articles 4 and 7 **are carried out**. Such body may be the same as the entity entrusted by a Member State with the application of the additional regulatory measures referred to in Article 1(2), including with the approval of the charging system and/or the level of charges, provided that it meets the requirements of paragraph 2.

Amendment 43
Article 10, paragraph 1 a (new)

1a. The national independent regulatory authority may delegate, under its supervision, the implementation of the provisions, or parts of the provisions, of this Directive to regional independent regulatory authorities, provided that the implementation takes place in accordance with the same standards. The national independent regulatory authority shall continue to bear responsibility for ensuring the correct application of the provisions of this Directive. The provisions of paragraph 2 shall also apply to regional independent regulatory authorities.

Amendment 44
Article 10, paragraph 4

4. *Whenever an airport managing body or an airport user has a complaint with regard to a matter within the scope of this directive, it may refer the complaint to the independent regulatory authority which, acting as dispute settlement authority, shall issue a decision within two months after receipt of the complaint. The independent regulatory authority shall have the right to request the necessary information from the parties for the decision.* The decisions of the regulatory authority *should* have binding effect.

4. *When carrying out an investigation into the justification for modifying the structure, level or airport charge, as provided for in Article 4, the independent regulatory authority shall be able to request necessary information from the parties concerned and shall be required to consult the parties concerned and any other affected parties in order to reach its decision. It shall reach its decision as soon as practical within three months of the receipt of a complaint and shall be required to publish the decision and the reasons behind it.* The decisions of the regulatory authority *shall* have binding effect.

Amendment 45
Article 11, paragraph 1

1. The Commission shall submit a report to the European Parliament and the Council on the operation of this Directive no later than 4 years after its entry into force as well as, when appropriate, any suitable proposal.

1. The Commission shall submit a report to the European Parliament and the Council on the operation of this Directive, ***assessing progress made in attaining its objectives***, no later than 4 years after its entry into force as well as, when appropriate, any suitable proposal.