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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 19 February 2009

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: Opinion of the Commission pursuant to Article 251 (2), third subparagraph,
point (c) of the EC Treaty, on the European Parliament's amendments to the
Council's common position regarding the proposal for a Directive of the
European Parliament and of the Council on airport charges amending the
proposal of the Commission pursuant to Article 250 (2) of the EC Treaty

Delegations will find attached Commission document COM(2009) 86 final.

Encl.: COM(2009) 86 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.2.2009
COM(2009) 86 final

2007/0013 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

ON AIRPORT CHARGES

AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the
EC Treaty

OPINION OF THE COMMISSION

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ON AIRPORT CHARGES

1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 31 amendment proposed by Parliament.

2. BACKGROUND

Date of transmission of the proposal to the EP and the Council 29 January 2007
(document COM(2006)820 final – 2007/0013COD):

Date of the opinion of the European Economic and Social Committee: 26 September 2007

Date of the opinion of the Committee of the Regions: 10 October 2007

Date of the position of the European Parliament, first reading: 15 January 2008

Date of adoption of the Council's political agreement : 7 April 2008

Date of adoption of the Council's common position: 23 June 2008

Date of the position of the European Parliament, second reading: 23 October 2008

3. PURPOSE OF THE PROPOSAL

The objective of the proposal adopted by the Commission on 24 January 2007 is to facilitate the discussions on airport charges between airports and airlines. The proposal introduces some basic rules on the procedures for levying charges. These rules are based on generally accepted principles already endorsed by Member States in the council of the International Civil Aviation Organization. The first principle aims at ensuring regular consultations between airports and airlines on charges in which both parties can explain and develop their views. The objective is to ensure that airports have consulted and informed airlines before deciding

on airport charges. The second principle concerns transparency on the elements that form the basis of airport charges. This information will be discussed in the regular consultations. Prohibition of discrimination between airlines is the third principle.

The proposal also suggests the establishment of an independent regulatory authority in each Member State. This authority shall oversee the levying of charges and ensure that the relevant provisions of the directive are complied with. The authority will consequently act upon complaints on airport charges from the parties.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission

- Amendments 1, 4, 14, 8, 9, 10, 18 and 27 by the European Parliament significantly improve the clarity of the text compared to the Council's common position.
- Amendments 5, 6, 11, 12, 13, 16, 17, 20, 21, 22, 24, 25, 26, 28, 29, 30 and 31 are very close to the initial Commission proposal on several issues. In particular name and time limits
- The European Parliament also adopted two amendments clarifying some aspects of financing. Amendment 7 introduces a recital that clarifies that pre-financing of airport infrastructure should be accompanied with safeguards Amendment 15 requires airports to provide information on any financing from public authorities.
- Amendment 19 further strengthens the principle of non-discrimination.
- Amendment 23 clarifies that the functions of the independent supervisory authority can be delegated.
- Amendments 2 and 3 further clarify the reasons for including the largest airport per Member State in the scope of application of the Directive.
- The Commission can therefore accept all amendments.
- Furthermore, the amendments confirm the agreement between the institutions. The Council has already sent a letter to the Parliament endorsing the amendments by the Parliament.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.