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Subject: Airport charges

- Information from the Commission

Delegations will find annexed information from the Commission on the above-mentioned subject for consideration under "Any other business" at the meeting of the Council (Transport, Telecommunications and Energy) on 5 June 2014.

Information note by the Commission on airport charges

The 2009 Airport Charges Directive became applicable in March 2011. The Directive incorporates into EU law certain principles on the calculation of airport charges at airports above 5 million passengers per year and at the largest airport of each Member State, which have long been the subject of guidelines at ICAO level. To recap:

- Mandatory consultation between airports and airport users on airport charges
- Non-discrimination on the application of charges
- Transparency on the cost structure of aeronautical infrastructure at airports

In addition, the Directive obliges Member States to set up or designate an independent supervisory authority responsible for overseeing application of the Directive and, in most cases, to arbitrate in disputes on airport charges between airports and airlines.

On 19 May the Commission published its report into the application of the Directive ([COM\(2014\)278](#)). The main findings of this report, which draws upon the Commission's experience of dealing with implementation issues over the last three years plus the results of an external study, are as follows:

Whilst the Directive has brought more clarity to the process of **consultation**, which has been welcomed by airlines and airports, there are concerns that the 'pro forma' consultation exercise which occasionally occurs does not allow airlines a meaningful opportunity to provide input in the process of setting charges.

Whilst the rules on **transparency** are welcomed by airlines, there are concerns that the information to be provided on costs is not sufficiently detailed to allow them to form an opinion on the justification for changes to airport charges. The report also finds that national rules on the pre-financing of airport infrastructure are not clear.

The increasing prevalence of incentive schemes for the launching of new routes or in return for growth targets gives rise to questions among airlines as to their compatibility with the Directive's requirements on **non-discrimination**. It may be necessary in the future to clarify the rules in this regard, taking into account state aid rules and the possibility for airports to set their tariffs on the basis of economic criteria.

The Directive's provisions on **differentiated services** were designed with a view to allowing airports to tailor their offering to the needs of different airlines. The take-up of this possibility is mixed and the Commission will monitor the situation to see if changes might be necessary in the future.

The Commission finds that there is a need to encourage information-sharing and knowledge exchange among the **independent supervisory authorities**, with a view to ensuring that the regulation of airport charges is done in a way which promotes the interests of the aviation value chain as a whole.

Next steps

In the report, the Commission announces the creation of a new expert group, made up of the designated independent supervisory authorities, to advise the Commission on the application of the Directive in the Member States and to promote the exchange of information and best practices among the group.

The new "Thessaloniki Forum of Airport Charges Regulators" will hold its first meeting on 13 June. All authorities as well as transport ministries and stakeholders have been invited to take part in this meeting.

No legislative initiatives on airport charges are currently planned by the Commission. Further work on evaluation of the Directive is planned for 2015.
