

REGULATORY FRAMEWORK FOR PROVISION OF GROUNDHANDLING SERVICES IN REPUBLIC OF CROATIA AND IMPLEMENTATION ISSUES



Ana Kapetanović, LL.M.
Head of Aviation Law and International Affairs
Croatian Civil Aviation Authority

- carriers (3 packages),
 - airports,
 - ANSP's (Single European Sky)
-
- some of the elements already covered by ICAO principles, competition law



COUNCIL DIRECTIVE 96/67/EZ ON ACCESS TO THE GROUNDHANDLING MARKET AT COMMUNITY AIRPORTS (OJ L 272, 25.10.1996.)

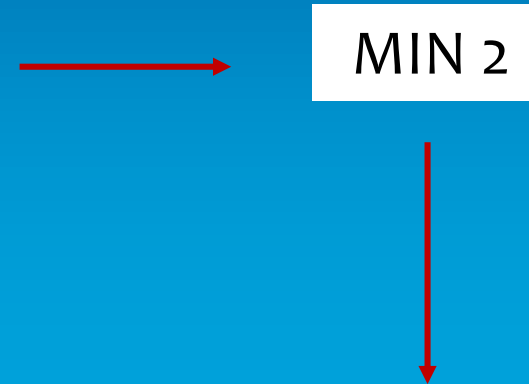


ORDINANCE ON ACCESS TO THE GROUNDHANDLING MARKET
(OJ 61/15)



- gradual approach, as with three liberalisation packages
- by 2001, the groundhandling market completely liberalized when it comes to self-handling and third party handling on all Community airports open to commercial traffic (with annual traffic <2 million pax movements or 50 000 tons of freight)
- managing body of the a/p ≠ airport operator
- separation of accounts; no cross-subsidizing smaller airports?
high seasonality?
- Airport Users' Committee handlers?
- Centralised infrastructure decision/responsibility
(access, charges)

→ LIMITATION: baggage handling
ramp handling
fuel and oil handling
freight and mail handling



At least one may not be directly or indirectly controlled by:

Criteria? Proportionality?

- I. the managing body of the airport,
- II. any airport user who has carried more than 25 % of pax or freight in the previous year,
- III. a body controlling or controlled directly or indirectly by that managing body or any such user.

LIMITATION

SELECTION OF SUPPLIERS

→ consultations with AUC on standard conditions and technical specifications

AIRPORT MANAGING BODY

- not a GH provider
- no direct/indirect control over any GH provider
- no involvement in any such provider

Definition of involvement?

COMPETENT AUTHORITY

- consultations with AUC and the airport managing body before the provider is chosen

Quality input

Low interest

→ suppliers selected for max 7 years

Guarantee? Distortion of competition?

→ If the supplier ceases the activity before → new selection procedure

→ AIRPORT MANAGING BODY reserves the right to provide GH services without being subject to the selection procedure (provision through other undertakings connected with control/indirect control also possible)

Proof of direct/indirect control

→ obligation to inform AUC – airport managing body

DECISION ON SELECTED SUPPLIER ≠ APPROVAL

- Limitation in place
- Selection procedure
- No significant connection with airport managing body or the dominant carrier

- Sound financial situation
- Insurance cover
- Security and safety requirements
- Training of staff etc.

No requirements in national law

→ 11 categories of GH services

Low awareness

ANNEX

LIST OF GROUNDHANDLING SERVICES

1. **Ground administration and supervision comprise:**
 - 1.1. representation and liaison services with local authorities or any other entity, disbursements on behalf of the airport user and provision of office space for its representatives;
 - 1.2. load control, messaging and telecommunications;
 - 1.3. handling, storage and administration of unit load devices;
 - 1.4. any other supervision services before, during or after the flight and any other administrative service requested by the airport user.
2. Passenger handling comprises any kind of assistance to arriving, departing, transfer or transit passengers, including checking tickets and travel documents, registering baggage and carrying it to the sorting area.
3. Baggage handling comprises handling baggage in the sorting area, sorting it, preparing it for departure, loading it on to and unloading it from the devices designed to move it from the aircraft to the sorting area and vice versa, as well as transporting baggage from the sorting area to the reclaim area.
4. Freight and mail handling comprises:
 - 4.1. for freight: physical handling of export, transfer and import freight, handling of related documents, customs procedures and implementation of any security procedure agreed between the parties or required by the circumstances;
 - 4.2. for mail: physical handling of incoming and outgoing mail, handling of related documents and implementation of any security procedure agreed between the parties or required by the circumstances.

EU regulations/EASA AMC/GM?

GROUNDHANDLING DIRECTIVE 96/67/EC

5. Ramp handling comprises:

- 5.1. marshalling the aircraft on the ground at arrival and departure (*);
- 5.2. assistance to aircraft packing and provision of suitable devices (*);
- 5.3. communication between the aircraft and the air-side supplier of services (*);
- 5.4. the loading and unloading of the aircraft, including the provision and operation of suitable means, as well as the transport of crew and passengers between the aircraft and the terminal, and baggage transport between the aircraft and the terminal;
- 5.5. the provision and operation of appropriate units for engine starting;
- 5.6. the moving of the aircraft at arrival and departure, as well as the provision and operation of suitable devices;
- 5.7. the transport, loading on to and unloading from the aircraft of food and beverages.

6. Aircraft services comprise:

- 6.1. the external and internal cleaning of the aircraft, and the toilet and water services;
- 6.2. the cooling and heating of the cabin, the removal of snow and ice, the de-icing of the aircraft;
- 6.3. the rearrangement of the cabin with suitable cabin equipment, the storage of this equipment.

7. Fuel and oil handling comprises:

- 7.1. the organization and execution of fuelling and defuelling operations, including the storage of fuel and the control of the quality and quantity of fuel deliveries;
- 7.2. the replenishing of oil and other fluids.

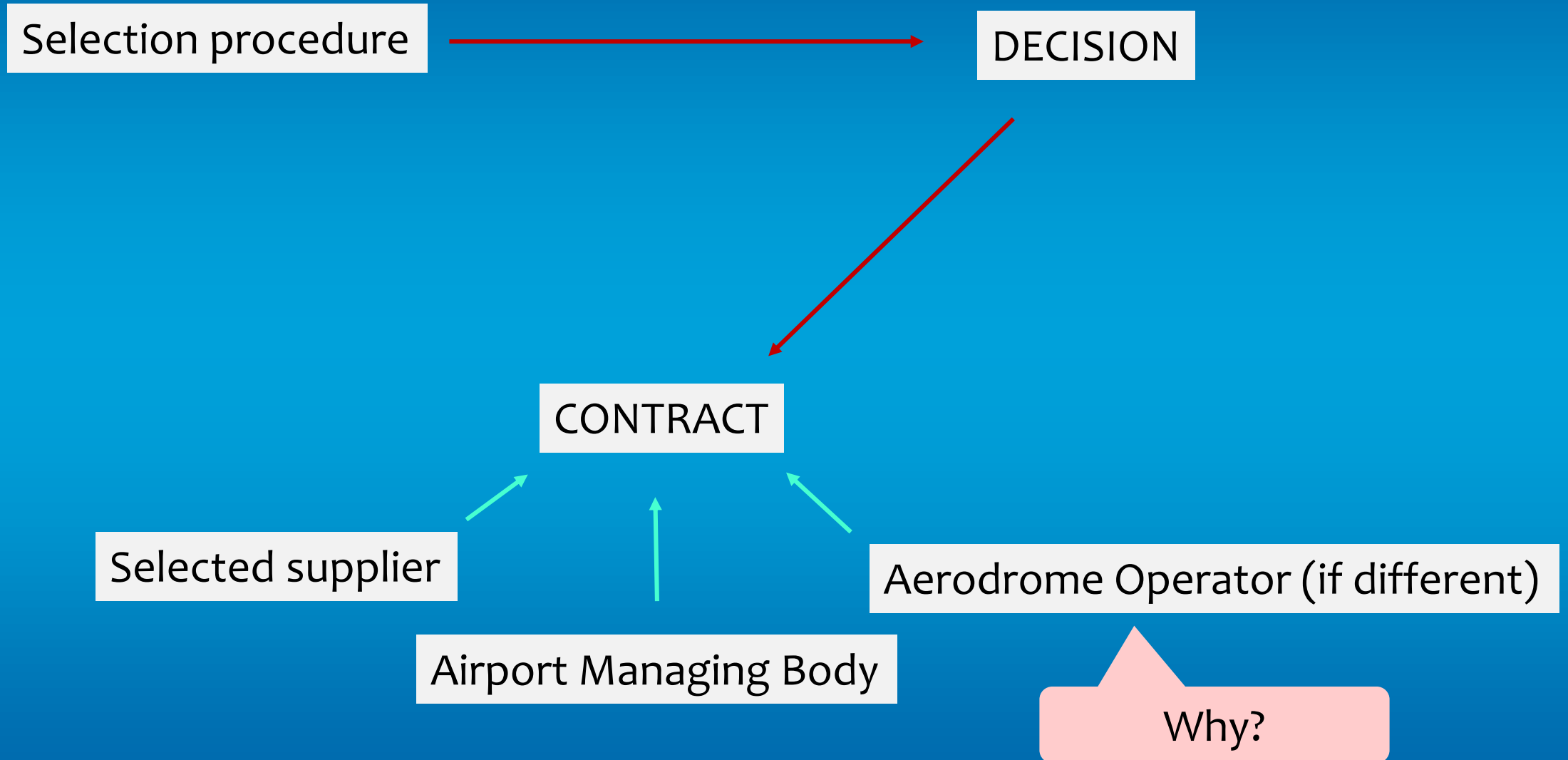
8. **Aircraft maintenance** comprises:

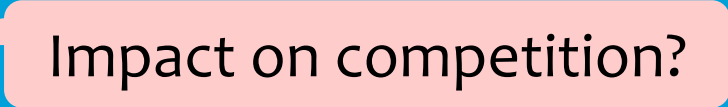

- 8.1. routine services performed before flight;
- 8.2. non-routine services requested by the airport user;
- 8.3. the provision and administration of spare parts and suitable equipment;
- 8.4. the request for or reservation of a suitable parking and/or hangar space.
- 9. Flight operations and crew administration comprise:
 - 9.1. preparation of the flight at the departure airport or at any other point;
 - 9.2. in-flight assistance, including re-dispatching if needed;
 - 9.3. post-flight activities;
 - 9.4. crew administration.
- 10. Surface transport comprises:
 - 10.1. the organization and execution of crew, passenger, baggage, freight and mail transport between different terminals of the same airport, but excluding the same transport between the aircraft and any other point within the perimeter of the same airport;
 - 10.2. any special transport requested by the airport user.
- 11. Catering services comprise:
 - 11.1. liaison with suppliers and administrative management;
 - 11.2. storage of food and beverages and of the equipment needed for their preparation;
 - 11.3. cleaning of this equipment;
 - 11.4. preparation and delivery of equipment as well as of bar and food supplies.

SELECTION OF SUPPLIERS

- Scope
- Duration of the contract
- If more than one service is limited: obligation to provide all of them (bundling) or application for only one service also possible?
Impact on decision on limitation?
- Transfer of staff
National law?
- Continuity of service (no „silent licences”, seasonal provision of services)
- Insurance cover
National law?
Ad hoc flights?
- Securities – deposit, bank guarantee
Impact on competition?

- Failure to execute or enter into contract with the airport managing body - time limit?
- Template of the contract
- Service Level Agreement and KPI reporting



- Scope
- Centralised Infrastructure – defined (access fee?)
- Other charges? (basis?)
- Continuity of the service (guarantee?) 
- Safety requirements in accordance with the Airport Manual and applicable laws and regulations
- Oversight in the light of Regulation 139/14 requirements?
- Staff requirements (training) 

- Security badges
- Vehicles and equipment – insurance?
- Liability
- Term
- Termination – defined conditions!
- Commitments

Proportionality

THANK YOU!

ana.kapetanovic@ccaa.hr

