

Market Access Fees on Fuel & Oil Handling Activities at European Community Airports

The airline industry is opposed to any airport levying fees on aviation fuel services that are not cost-related and justified.

The industry is opposed to airports seeking fees for the opening up of commercial opportunities for fuel & oil handling activities at airports.

SITUATION

The objective of the Council Directive 96/67/EC of 15 October 1996 is to gradually open-up access to the ground handling market to:

- 1 Reduce the operating costs of airline companies, and**
- 2 Improve the service quality provided to airport users.**

Based on the Council Directive 96/67/EC the European Court of Justice, in its Decision of 16 October 2003, precludes the charging of market access fees for the opening up of commercial opportunities at airports.

All conditions of the Council Directive apply to Community airports where annual traffic is not less than 2 million passenger movements or 50,000 tonnes of freight.

IATA POSITION

- In countries where market access fees are determined as illegal, these fees must not be charged and the airport operator should be informed accordingly.
- At airports where a market access fee or a non cost-related fee exists airlines, fuel suppliers and airports as appropriate, should discuss and agree its prompt withdrawal. Airline customers should not be expected or obliged to reimburse the cost of such a fee to the service provider/suppliers.
- When an airport provides fuel related infrastructure on a centralised basis it may charge a fee for the use of this centralised infrastructure by a ground handler/fuel supplier. Any such fees:
 - must be non-discriminatory, cost justified and reasonable
 - Recover only the cost of the centralised infrastructure and a reasonable return on the applicable equity (pipelines, hydrant system, storage facility, etc.).
- Information on the cost of infrastructure (pipelines, hydrant system, storage facility, etc.) should be detailed, transparent and available for scrutiny by all parties including the end users and the airlines.
- Fees must be established in full and transparent consultation with the users and the airlines.
- The applicable fees must be published to ensure that all users (and airlines if applicable) pay only their fair share of costs.
- Fees may be charged to either the airlines directly or the users of the infrastructure, as appropriate and agreed between the parties concerned.
- A formal process should be put in place to ensure that the owners and operators of the infrastructure abide by these requirements.
- Where fees and charges for services or infrastructure are provided on a monopoly basis, they should be subject to independent economic regulation and included with the other regulated charges.
- At airports where Market Access fees exist and requires time for a change (i.e. where the revenues have been taken account of in the assessment of regulated charges, etc.) the airport with the agreement of the airlines and the fuel/oil suppliers may implement an interim solution with a clearly defined transition plan including a specific time frame for elimination of such fees.