
STATUTORY INSTRUMENTS

1997 No. 2389

The Airports (Groundhandling) Regulations 1997

Selection of suppliers

12.—(1) Where the CAA has made a determination to which this regulation applies, the managing body of the airport concerned shall take the necessary measures in accordance with this regulation for the organisation of a selection procedure for the suppliers authorised to provide groundhandling services.

(2) This regulation applies where the CAA has:

- (a) made a determination pursuant to regulation 10(1);
- (b) varied a determination made pursuant to regulation 10(1) and in doing so has altered the number of suppliers authorised to provide one or more groundhandling services;
- (c) made a determination pursuant to regulation 11(1); or
- (d) made a determination pursuant to regulation 11(1) which renews a determination made pursuant to regulation 11(1).

(3) Where paragraph (2)(b) above applies and the number of suppliers authorised to provide one or more airside services is increased, nothing in paragraph (1) above shall require the organisation of a selection procedure for the suppliers already selected to provide those services pursuant to paragraph (7) below.

(4) Where paragraph 2(b) above applies and the number of suppliers authorised to provide one or more airside services is reduced, any decisions previously made pursuant to paragraph (7) below in relation to those services shall cease to be valid upon the selection of the reduced number of suppliers authorised to provide those services.

(5) For the purpose of selecting the suppliers referred to in paragraph (1) above, the managing body of the airport shall cause an invitation to tender, which complies with paragraph (6) below, to be published in the Official Journal of the European Communities.

(6) An invitation to tender which is published pursuant to paragraph (5) above shall specify—

- (a) the period for which the suppliers will be selected; and
- (b) the deadline for the submission of tenders (which shall be no earlier than 1 month from the date on which the invitation to tender is published beginning on that date).

(7) The suppliers of groundhandling services shall be selected:

- (a) following consultation with the committee referred to in regulation 6, by the managing body of the airport provided that body—
 - (i) does not provide similar groundhandling services;
 - (ii) has no direct or indirect control over any undertaking which provides such services; and
 - (iii) has no involvement in any such undertaking;
- (b) in all other cases, following consultation with the committee referred to in regulation 6 and the managing body of the airport, by the CAA.

(8) A decision made pursuant to paragraph (7) above shall not take effect earlier than—

- (a) at a category A airport, 1 January 1999; or
- (b) at a category B airport, 1 January 2001.

(9) A supplier of groundhandling services shall be selected for a period not exceeding seven years.

(10) Where a supplier of groundhandling services ceases his activity before the end of the period for which he was selected, he shall be replaced in accordance with paragraphs (1) and (5) to (9) above.

(11) Subject to paragraph (12) below, when making a decision pursuant to paragraph (7) above on or after the relevant date, the managing body of the airport or, as the case may be, the CAA shall ensure that at least one of the authorised suppliers is not directly or indirectly controlled by:

- (a) that managing body;
- (b) any airport user who has carried more than 25% of the passengers or freight recorded at the airport during the preceding year; or
- (c) a person controlling, or controlled directly or indirectly by, that managing body or any such user

and where at any time on or after the relevant date all of the authorised suppliers are directly or indirectly controlled by a person referred to in sub-paragraph (a), (b) or (c) of this paragraph, those suppliers shall be replaced in accordance with paragraphs (1) and (5) to (9) above.

(12) Paragraph (11) above shall not apply in relation to a determination made pursuant to regulation 11(1)(b).

(13) Where the Commission grants a deferral pursuant to Article 6(3) of the Directive the Secretary of State shall notify the CAA. On receipt of such notice, the CAA shall cause notice of the deferral to be published in its Official Record.

(14) The managing body of the airport concerned shall inform the committee referred to in regulation 6 and the CAA of any decisions it takes pursuant to paragraph (7)(a) above.

(15) The CAA shall cause notice of decisions made pursuant to paragraph (7) above to be published in its Official Record.

(16) In this regulation “relevant date” means 1st January 2001 or, where the Commission has granted a deferral pursuant to Article 6(3) of the Directive, 31st December 2002.