

AERA Building,  
Administrative Complex,  
Safdarjung Airport,  
New Delhi – 110 003.

Date: 31<sup>st</sup> May, 2017

Public Notice No.16/2017-18

Sub: Amendment to Direction under section 15 of the Airports Economic Regulatory Authority of India Act, 2008 – “Airports Economic Regulatory Authority of India (Terms and Conditions for Determination of Tariff for Services provided for Cargo Facility, Ground Handling and Supply of Fuel to the Aircraft) Guidelines 2011 (Direction No.4/2010-11 dated 10.01.2011)

The following amendments have been made in clause 5 of the above Direction by AERA, vide its Order No.15/2016-17 dated 10<sup>th</sup> February, 2017 in the matter of Airports Economic Regulatory Authority of India (Terms and Conditions for Determination of Tariff for Services provided for Cargo Facility, Ground Handling and Supply of Fuel to the Aircraft) Guidelines 2011 regarding the Competition Assessment.

The Clause No. 5. **Competition Assessment**

5.1. “Where a Regulated Service is being provided at major airport by two or more Service Provider(s), it shall be deemed ‘competitive’ at that airport. If a Regulatory Service is provided by less than two Service Provider(s), it shall be deemed ‘not competitive’”.

Provided that the Authority may in its discretion consider such other additional evidence regarding reasonableness of competition, as it may deem fit.

Explanation: For avoidance of any doubt, the determination of number of Service Provider(s) at a major airport shall include the Airport Operator, if the Airport Operator is also providing Regulated Service(s) at that major airport.

May be read as

***5.1. “Where a Regulated Service is being provided at major airport by two or more Service Provider(s), it shall be deemed ‘competitive’ at that airport. If a Regulatory Service is provided by less than two Service Provider(s), it shall be deemed not competitive”.***

However ***“The Authority will adopt the criteria for competition assessment for Ground Handling Services as three Ground Handling Agencies including Air India’s subsidiary/JV in case such an agency operates in a major airport”.***

Provided that the Authority may in its discretion consider such other additional evidence regarding reasonableness of competition, as it may deem fit.

Explanation: For avoidance of any doubt, the determination of number of Service Provider(s) at a major airport shall include the Airport Operator, if the Airport Operator or its JV is also providing Regulated Service(s) at that major airport.

**This amendment is effective for control period commencing from 1<sup>st</sup> April, 2016.**

  
**Puja Jindal**  
Secretary

**To**  
**All Airport Operators and Independent Service Providers at Major Airports.**

**Copy to:-**  
**Secretary, Ministry of Civil Aviation, Rajiv Gandhi Bhawan, New Delhi- 110003**