



EVERYTHING MATTERS

Legal Aspects of the Privatisation of Regional Airports

Dr. Wolfgang Freund, LL.M.

Partner, DLA Piper Weiss-Tessbach

Outlook

- The legal aspects of a privatisation are manifold
- Driven partially by commercial agenda
- Form of privatisation
- Framework of the privatisation

Form of privatisation

- Sale of shares or assets
 - Transfers permanent ownership
 - Potentially simpler process
 - Encourages long term investments

- Initial Public Offering
- Private Sale
- Majority Stake (up to 100 %)
- Minority Interest

Procedure

- Procedure must be
 - open, transparent and unconditional
 - sale to the best bidder
 - enough time and information
- Only criteria are allowed, which a private seller would accept
 - ➔ Highest price might be decisive

Form of privatisation II

- Concession
 - Public retains ownership over „crown jewels“
 - Allows easier change of the operator
 - Higher level of control
 - Risk of lower service at the end
 - Requires more complex procedure
 - ➔ Public Procurement Law

Regulatory Framework

- Airports are *per se* monopolies
- Public sector might have an interest not to distort competition
- Private investors intend to generate profit
- General competition law might fall short
- Appropriate legislation or other measures required

European Commission Proposal

- Not applicable to Regional Airports
- Principles
 - Non-discrimination
 - Consultation and remedy
 - Transparency
 - Quality Standards
 - Differentiation
 - Regulatory Authority



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**Thank you for your
attention!**
