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*Transmittal Note*

## **SUPPLEMENT NO. 5 TO DOC 9082**

### **ICAO'S POLICIES ON CHARGES FOR AIRPORTS AND AIR NAVIGATION SERVICES**

**(Seventh Edition – 2004)**

1. The attached Supplement supersedes all previous Supplements to Doc 9082 and includes information received from States as to their position vis-à-vis *ICAO's Policies on Charges for Airports and Air Navigation Services* up to 18 September 2008.
  2. The Supplement is divided into two parts. Part A includes the analysis of States responses to a questionnaire on their policies on charges for airports and air navigation services. Part B includes information on States' implementation practices.
  3. The Supplement will be amended when additional information is received from States.
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## SUPPLEMENT NO. 5 TO DOC 9082

The Conference on the Economics of Airports and Air Navigation Services (ANSCConf 2000), held in Montreal in June 2000, recognized that there was a fundamental and increasing need for feedback and dissemination to States and others of States' implementation of ICAO's *Policies on Charges for Airports and Air Navigation Services* contained in Doc 9082. After the Conference, the Council requested the Secretariat to seek information from States on their current policies and practices in this regard. The focus was placed on the basic cost recovery principles applicable to charges for airports and air navigation services, as set out in paragraphs 22 (*Cost basis for airport charges*), 23 (*Airport charging systems*), 38-39 (*Cost basis for air navigation services charges*), 40 (*Allocation of costs of air navigation services among aeronautical users*), 41 (*Air navigation services charging systems*) of Doc 9082 as well as information related to the operations by autonomous entities and whether and how the economic oversight function is carried out by the State. In order to update this information a questionnaire was sent to States under cover of State letter, EC 2/89-08/39 dated 9 May 2008. This information is available free of charge on the ICAO website <http://www.icao.int/icaonet/dcs/9082.html> as well as on the ICAO-NET.

The information contained in the following pages pertaining to national charging policies, practices and their implementation includes, in Part A, the status of States' adherence to ICAO's policies on charges, and in Part B, comments received from these States as well as information provided by States, which used to be published in Section 3 of the *Tariffs for Airports and Air Navigation Services* (Doc 7100). This information is now only published in the present Supplement and no longer included in Doc 7100.

**PART A: STATUS OF STATES' ADHERENCE TO ICAO'S POLICIES ON CHARGES****1. STATES AND TERRITORIES WHICH HAVE RESPONDED THAT THEY ADHERE TO ICAO'S POLICIES ON CHARGES****1.1 Airport Charges**

The States listed below have notified that their national regulations and practices adhere to the principles in paragraphs 22 and 23 of *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082/7).

| <i>State</i>                 | <i>Date of notification</i> | <i>State</i>                | <i>Date of notification</i> |
|------------------------------|-----------------------------|-----------------------------|-----------------------------|
| Angola                       | 30 June 2008                | Malawi                      | 7 October 2003              |
| Armenia                      | 18 June 2008                | Maldives                    | 29 June 2008                |
| Australia                    | 10 July 2008                | Mauritius                   | 30 May 2008                 |
| Austria                      | 1 July 2008                 | Mexico                      | 23 April 2002               |
| Bahrain                      | 10 July 2002                | Monaco                      | 14 July 2003                |
| Barbados                     | 14 July 2008                | Myanmar                     | 4 July 2008                 |
| Belgium                      | 27 June 2008                | Netherlands                 | 4 July 2008                 |
| Botswana                     | 5 December 2001             | New Zealand                 | 12 June 2001                |
| Brazil                       | 14 July 2008                | Panama                      | 1 August 2008               |
| Bulgaria                     | 23 May 2002                 | Papua New Guinea            | 8 May 2002                  |
| Burundi                      | 6 July 2002                 | Philippines                 | 24 June 2008                |
| Canada                       | 3 June 2008                 | Poland                      | 23 June 2008                |
| China (mainland)             | 26 June 2008                | Portugal                    | 3 July 2001                 |
| China (Hong Kong SAR)        | 2 July 2008                 | Republic of Korea           | 1 August 2001               |
| Colombia                     | 22 April 2002               | Republic of Moldova         | 11 July 2008                |
| Cook Islands                 | 2 July 2008                 | Romania                     | 1 August 2008               |
| Costa Rica                   | 11 July 2008                | Russian Federation          | 19 August 2008              |
| Cuba                         | 12 August 2008              | Saudi Arabia                | 6 May 2002                  |
| Cyprus                       | 31 July 2008                | Serbia                      | 14 July 2008                |
| Czech Republic               | 1 July 2008                 | Seychelles                  | 14 June 2002                |
| Denmark                      | 3 July 2008                 | Singapore                   | 25 June 2008                |
| Ecuador                      | 14 June 2001                | Slovakia                    | 22 May 2002                 |
| Egypt                        | 22 July 2008                | Slovenia                    | 30 June 2008                |
| Estonia                      | 5 July 2001                 | South Africa                | 4 August 2008               |
| Ethiopia                     | 15 July 2008                | Spain                       | 11 July 2008                |
| Finland                      | 3 July 2008                 | Sri Lanka                   | 23 June 2008                |
| France                       | 5 August 2008               | Suriname                    | 25 June 2001                |
| Germany                      | 3 July 2008                 | Sweden                      | 5 July 2001                 |
| Greece                       | 3 July 2001                 | Switzerland                 | 30 June 2008                |
| Guyana                       | 2 July 2008                 | Thailand                    | 24 July 2001                |
| Hungary                      | 18 June 2002                | Tunisia                     | 23 July 2008                |
| India                        | 18 September 2008           | Turkey                      | 8 August 2003               |
| Indonesia*                   | 27 July 2008                | Ukraine                     | 12 July 2001                |
| Israel                       | 30 May 2002                 | United Kingdom              | 7 July 2008                 |
| Italy                        | 4 August 2001               | United Republic of Tanzania | 7 December 2001             |
| Jordan                       | 2 June 2008                 | United States               | 11 July 2008                |
| Kenya                        | 25 July 2008                | Uzbekistan                  | 13 June 2008                |
| Kuwait                       | 4 July 2001                 | Vanuatu                     | 17 May 2001                 |
| Lao People's Democratic Rep. | 30 June 2008                |                             |                             |
| Lithuania                    | 3 July 2008                 |                             |                             |
| Madagascar                   | 14 August 2008              |                             |                             |

\*No response to questionnaire received. Information taken from updates to Doc 7100, 2008 edition.

## 1.2 Air Navigation Services Charges

The States listed below have notified that their national regulations and practices adhere to the principles in paragraphs 38, 39, 40 and 41 of ICAO's *Policies on Charges for Airports and Air Navigation Services* (Doc 9082/7).

| <i>State</i>                     | <i>Date of notification</i> | <i>State</i>                                 | <i>Date of notification</i> |
|----------------------------------|-----------------------------|--|-----------------------------|
| Angola                           | 30 June 2008                | Malawi                                       | 7 October 2003              |
| Armenia                          | 9 June 2008                 | Malaysia                                     | 5 August 2008               |
| Australia                        | 10 July 2008                | Maldives                                     | 29 June 2008                |
| Austria                          | 1 July 2008                 | Malta  | 23 June 2008                |
| Bahrain                          | 10 July 2002                | Mauritius                                    | 30 June 2008                |
| Belgium                          | 27 June 2008                | Mexico                                       | 23 April 2002               |
| Botswana                         | 5 December 2001             | Myanmar                                      | 30 May 2008                 |
| Brazil                           | 14 July 2008                | Namibia                                      | 31 July 2008                |
| Bulgaria                         | 23 May 2002                 | Netherlands                                  | 4 July 2008                 |
| Burundi                          | 6 July 2002                 | New Zealand                                  | 12 June 2001                |
| Canada                           | 3 June 2008                 | Norway                                       | 7 July 2008                 |
| China                            | 26 June 2008                | Panama                                       | 1 August 2008               |
| China (Hong Kong SAR)            | 2 July 2008                 | Papua New Guinea                             | 8 May 2002                  |
| Colombia                         | 22 April 2002               | Poland                                       | 23 June 2008                |
| Cook Islands                     | 2 July 2008                 | Portugal                                     | 3 July 2001                 |
| Costa Rica                       | 11 July 2008                | Republic of Moldova                          | 11 July 2008                |
| Croatia                          | 18 June 2008                | Romania                                      | 1 August 2008               |
| Cuba                             | 12 August 2008              | Russian Federation                           | 19 August 2008              |
| Cyprus                           | 31 July 2008                | Saudi Arabia                                 | 6 May 2002                  |
| Czech Republic                   | 1 July 2008                 | Serbia                                       | 14 July 2008                |
| Denmark                          | 7 July 2008                 | Seychelles                                   | 14 June 2002                |
| Ecuador                          | 15 August 2003              | Singapore                                    | 25 July 2008                |
| Egypt                            | 22 July 2008                | Slovakia                                     | 22 May 2002                 |
| Estonia                          | 5 July 2001                 | Slovenia                                     | 30 June 2008                |
| Ethiopia                         | 15 July 2008                | South Africa                                 | 4 August 2008               |
| Finland                          | 3 July 2008                 | Spain  | 11 July 2008                |
| France                           | 5 August 2008               | Suriname                                     | 25 June 2001                |
| Georgia                          | 27 June 2008                | Sweden                                       | 5 July 2001                 |
| Germany                          | 3 July 2008                 | Switzerland                                  | 30 June 2008                |
| Guyana                           | 2 July 2008                 | Thailand                                     | 24 July 2001                |
| Hungary                          | 18 June 2002                | The former Yugoslav<br>Republic of Macedonia | 30 June 2008                |
| India                            | 18 September 2008           | Tunisia                                      | 23 July 2008                |
| Indonesia*                       | 27 July 2008                | Turkey                                       | 8 August 2003               |
| Ireland                          | 8 July 2008                 | Ukraine                                      | 12 July 2001                |
| Israel                           | 30 May 2002                 | United Kingdom                               | 7 July 2008                 |
| Italy                            | 4 August 2001               | United Republic of Tanzania                  | 7 December 2001             |
| Jordan                           | 2 June 2008                 | United States                                | 11 July 2008                |
| Kenya                            | 25 July 2008                | Uzbekistan                                   | 13 June 2008                |
| Lao People's Democratic Republic | 30 June 2008                | Vanuatu                                      | 17 May 2001                 |
| Lithuania                        | 3 July 2008                 |  |                             |

\*No response to questionnaire received. Information taken from updates to Doc 7100, 2008 edition.

## 2. STATES WHICH HAVE RESPONDED THAT THEIR PRACTICES DO NOT OR DO NOT FULLY ADHERE TO ICAO'S POLICIES ON CHARGES

### 2.1 Airport Charges

The States listed below have responded that their national regulations and practices do not (or do not fully) adhere to the principles in paragraphs 22 and 23 of *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082/7).

| <i>State</i>               | <i>Date of notification</i> | <i>Adherence with paragraph</i> |               |
|----------------------------|-----------------------------|---------------------------------|---------------|
|                            |                             | <i>22</i>                       | <i>23</i>     |
| Argentina                  | 2 July 2008                 | no                              | no            |
| Chile                      | 1 July 2008                 | no                              | no            |
| Fiji                       | 24 June 2008                | no                              | yes           |
| Iran (Islamic Republic of) | 22 July 2008                | no                              | yes           |
| Luxembourg                 | 30 June 2008                | yes                             | no            |
| Malta                      | 23 June 2008                | no                              | yes           |
| Malaysia                   | 14 August 2008              | not indicated                   | not indicated |
| Namibia                    | 30 July 2008                | no                              | yes           |
| Nigeria                    | 15 July 2008                | no                              | no            |
| Norway                     | 7 July 2008                 | no                              | no            |
| Pakistan                   | 5 July 2001                 | no                              | no            |
| Paraguay                   | 29 May 2002                 | no                              | yes           |
| Peru                       | 20 June 2002                | no                              | yes           |
| Syrian Arab Republic       | 9 July 2001                 | no                              | yes           |
| Uganda                     | 13 August 2003              | not indicated                   | yes           |
| Venezuela                  | 7 July 2008                 | no                              | no            |

### 2.2 Air Navigation Services Charges

The Contracting States listed below have responded that their national regulations and practices do not (or do not fully) adhere to the principles in paragraphs 38, 39, 40 and 41 of *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082/7).

| <i>State</i>               | <i>Date of notification</i> | <i>Adherence with paragraph</i> |           |               |
|----------------------------|-----------------------------|---------------------------------|-----------|---------------|
|                            |                             | <i>38 – 39</i>                  | <i>40</i> | <i>41</i>     |
| Argentina                  | 2 July 2008                 | no                              | no        | no            |
| Chile                      | 1 July 2008                 | no                              | no        | no            |
| China (Macau SAR)          | 1 July 2008                 | not indicated                   | yes       | not indicated |
| Fiji                       | 24 June 2008                | no                              | yes       | yes           |
| Greece                     | 3 July 2001                 | yes                             | yes       | not indicated |
| Iran (Islamic Republic of) | 22 July 2008                | no                              | yes       | yes           |
| Luxembourg                 | 30 June 2008                | yes                             | yes       | no            |
| Nigeria                    | 15 July 2008                | no                              | no        | no            |
| Pakistan                   | 5 July 2001                 | no                              | no        | no            |
| Paraguay                   | 29 May 2002                 | no                              | no        | yes           |

| <i>State</i>         | <i>Date of notification</i> | <i>Adherence with paragraph</i> |               |               |
|----------------------|-----------------------------|---------------------------------|---------------|---------------|
|                      |                             | <i>38 – 39</i>                  | <i>40</i>     | <i>41</i>     |
| Peru                 | 20 June 2002                | no                              | no            | yes           |
| Republic of Korea    | 1 August 2003               | yes                             | yes           | not indicated |
| Syrian Arab Republic | 9 July 2001                 | yes                             | no            | yes           |
| Uganda               | 13 August 2003              | not indicated                   | not indicated | yes           |
| United Arab Emirates | 30 June 2008                | not indicated                   | not indicated | yes           |
| Venezuela            | 7 July 2008                 | yes                             | yes           | no            |

3. **STATES WHICH HAVE NOT RESPONDED OR PARTLY RESPONDED, AND GAVE NO CLEAR INDICATION WHETHER THEY ADHERE OR NOT TO ICAO'S POLICIES ON CHARGES**

3.1 **Airport Charges**

States listed below have not responded or partly responded, and did not clearly indicate their practices.

| <i>State</i>                              | <i>Date of notification</i> |
|---|-----------------------------|
| Cameroon                                  | 11 July 2001                |
| China (Macau SAR)                         | 1 July 2008                 |
| Croatia                                   | 18 June 2008                |
| Georgia                                   | 27 June 2008                |
| Ireland                                   | 8 July 2008                 |
| The former Yugoslav Republic of Macedonia | 30 June 2008                |
| United Arab Emirates                      | 30 June 2008                |
| Uruguay                                   | 10 June 2002                |

3.2 **Air Navigation Services Charges**

States listed below have not responded or partly responded, and did not clearly indicate their practices.

| <i>State</i> | <i>Date of notification</i> |
|--------------|-----------------------------|
| Barbados     | 14 July 2008                |
| Cameroon     | 11 July 2001                |
| Madagascar   | 14 August 2008              |
| Philippines  | 24 June 2008                |
| Sri Lanka    | 23 June 2008                |
| Uruguay      | 10 June 2002                |

## 4. STATES WHICH HAVE NOT RESPONDED TO THE QUESTIONNAIRES

|                                       |                                  |                                  |
|---------------------------------------|----------------------------------|----------------------------------|
| Afghanistan                           | Gabon                            | Nepal                            |
| Albania                               | Gambia                           | Nicaragua                        |
| Algeria                               | Ghana                            | Niger                            |
| Andorra                               | Grenada                          | Oman                             |
| Antigua and Barbuda                   | Guatemala                        | Palau                            |
| Azerbaijan                            | Guinea                           | Qatar                            |
| Bahamas                               | Guinea-Bissau                    | Rwanda                           |
| Bangladesh                            | Haiti                            | Saint Kitts and Nevis            |
| Belarus                               | Holy Sea                         | Saint Lucia                      |
| Belize                                | Honduras                         | Saint Vincent and the Grenadines |
| Benin                                 | Iceland                          | Samoa                            |
| Bhutan                                | Indonesia*                       | San Marino                       |
| Bolivia                               | Iraq                             | Sao Tome and Principe            |
| Bosnia and Herzegovina                | Jamaica                          | Senegal                          |
| Brunei Darussalam                     | Japan                            | Sierra Leone                     |
| Burkina Faso                          | Kazakhstan                       | Solomon Islands                  |
| Cambodia                              | Kiribati                         | Somalia                          |
| Cape Verde                            | Kyrgyzstan                       | Sudan                            |
| Central African Republic              | Latvia                           | Swaziland                        |
| Chad                                  | Lebanon                          | Tajikistan                       |
| Comoros                               | Lesotho                          | Timor-Leste                      |
| Congo                                 | Liberia                          | Togo                             |
| Côte d'Ivoire                         | Libyan Arab Jamahiriya           | Tonga                            |
| Democratic People's Republic of Korea | Liechtenstein                    | Trinidad and Tobago              |
| Democratic Republic of the Congo      | Mali                             | Turkmenistan                     |
| Djibouti                              | Marshall Islands                 | Tuvalu                           |
| Dominica                              | Mauritania                       | Viet Nam                         |
| Dominican Republic                    | Micronesia (Federated States of) | Yemen                            |
| El Salvador                           | Mongolia                         | Zambia                           |
| Equatorial Guinea                     | Morocco                          | Zimbabwe                         |
| Eritrea                               | Mozambique                       |                                  |
|                                       | Nauru                            |                                  |

\*No response to questionnaire received. Information taken from updates to Doc 7100, 2008 edition.

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## **PART B: INFORMATION ON STATES' IMPLEMENTATION PRACTICES**

This information is based on comments received from States in their responses to the questionnaire on States' implementation of *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082) and on the information that was previously published in Section 3 of the *Tariffs for Airports and Air Navigation Services* (Doc 7100). Text presented in "...." has been taken verbatim from States' responses (in some cases with minor editorial changes).

### **ALGERIA**

SOURCE DATED: 27 JANUARY 1992.

"The policy with respect to charges for airports and for the use of air navigation facilities and services is based on the revision of rates from time to time according to the requirements of the national economy."

### **ANGOLA**

SOURCE DATED: 8 JULY 2002.

"Our general charging policy is based on the following factors which affect the levying of the charges in question:

1. the continuing rise in the cost of airport facilities and their operation and maintenance;
2. the depreciation of fixed assets in general;
3. the costs associated with the upgrading of facilities which is now under way."

SOURCE DATED: 30 JUNE 2008.

#### **Airports**

"The following criteria are generally used by the aerodrome operator as basis in calculation of aeronautical and non-aeronautical charges:

- a) the MTOW in the Airworthiness Certificate for airport charges;
- b) the area for the occupation charges;
- c) the time for service and use of equipment charges;
- d) the consumption of electricity, water and consumption article; and
- e) the total volume of sales for exploration charges."

The economic oversight function is carried out by Angola Civil Aviation Authority through ICAO principles set forth in ICAO Doc 9082 while an appropriate Regulation from Angola CAA is awaiting approval from the Ministry of Transport.

#### **Air navigation services**

"The cost basis for air navigation services charges is the MTOW in the Airworthiness Certificate and the distance flown in Luanda FIR.

The economic oversight function is carried out by Angola Civil Aviation Authority through ICAO principles set forth in ICAO Doc 9082 while an appropriate Regulation from Angola CAA is waiting approval from the Ministry of Transport."



**ARGENTINA**

SOURCE DATED: 3 JUNE 1996.

“...the rates applicable to facilities and services shall be subject to periodic updating to bring them in line with current requirements.

Studies of the levels reached by the rates and tariffs applicable to facilities and services have revealed that a periodic updating of the costs of the installed equipment is necessary.

Accordingly, an attempt has been made to find a satisfactory method of international payment which maintains the rates for aeronautical services at a constant value; U.S. currency was therefore adopted as the medium for expressing airline passenger and freight tariffs, payments being made in Argentine currency, at the free market rate of exchange which the airlines use in their transactions.

This procedure eliminated the need for continuous amendments to reflect fluctuations in the international exchange rate in order to maintain a satisfactory level and avoid deterioration of the services provided by the State.”

SOURCE DATED: 24 MAY 2001.

There is a “national system of airports” of which the operation of 33 has been franchised to the company Aeropuerto Argentina 2000, another three are owned and/or operated by private investors and the rest remain under National, Provincial or Municipal Administrations.

SOURCE DATED: 16 JANUARY 2004.

It is the policy of the State to subsidize the system by the payment of salaries to personnel since if personnel costs were included, the amount of the charges for this administration would become non-viable. The reason for this is the geographical situation of the Argentine Republic since it is an end country of considerable size. There are therefore a large number of airports that are not profitable, but for political reasons they are kept operational, such as those of the provincial capitals.

REFERENCIA: 16 DE ENERO DE 2004.

“Es política de Estado subsidiar al sistema con el pago de haberes al personal, ya que si se incluyeran los “gastos en personal” el valor de las tasas correspondientes a esta Administración se tornaría inviable. Esto es motivado por la situación geográfica de la República Argentina ya que es un país terminal y de una extensión considerable, por lo que existen una gran cantidad de aeropuertos que no son redituables, pero por razones políticas se mantienen operativos, como por ejemplo las capitales de provincia.”

REFERENCIA: 2 DE JULIO DE 2008

**Aeropuertos**

“Esta Administración desde el concesionamiento de aeropuertos mediante Decreto 375/91 no cobra tasas aeroportuarias y no mantiene costos de estos ítems.

En nuestro país la explotación de los principales aeropuertos se encuentra concesionada y la empresa Aeropuertos Argentina 2000 en su mayoría, y en tres a la empresa London Supply. La vigilancia económica es efectuada por el Organismo Regulador del Sistema Nacional de Aeropuertos (ORSNA).”

**Servicios de navegación aérea**

“Los servicios de navegación aérea son provistos por el Estado, actualmente a través de la FAA, en proceso de traspaso e la ANAC. Los mismos cuentan con una imposición de derechos, fijadas a través de Tasas Aeroportuarias, las que son establecidas por el Estado, en forme coordinada entre la FAA y el ORSNA.

Al ser un país terminal, dado su ubicación geográfica de una extensión considerable, la actividad aérea en su conjunto es deficitaria, por tal motivo las imposiciones tarifarias relacionadas con los servicios de navegación aérea son subsidiadas por el Estado, sea internacional o de cabotaje todos por igual. La diferencia en los costos es afrontada por el Estado.

## ARMENIA

SOURCE DATED: 9 JUNE 2008.

“The government is responsible for formulating the objectives of the organization and for monitoring its activities. The government of the Republic of Armenia carries out economic oversight.”

## AUSTRALIA

SOURCE DATED: 1 JUNE 2000.

“The major Australian airports (Adelaide, Alice Springs, Brisbane, Canberra, Coolangatta, Darwin, Hobart, Launceston, Melbourne, Perth and Townsville), except Sydney airport, are subject to a CPI-X price cap where X is a different percentage for each airport. In effect, the airport operators must reduce real prices for five years on a specific set of aeronautical services.

The Civil Aviation Authority (CAA) was established as a Government Business Enterprise in 1988, with its principal activities including:

- safety and regulatory services
- airspace management
- air traffic control
- traffic and flight information
- search and rescue
- navigation services
- aeronautical information
- rescue and firefighting.

On 6 July 1995, the CAA was separated into its two core functions and two new organisations came into being:

- the aviation safety regulator - the Civil Aviation Safety Authority; and
- the airways service provider - Airservices Australia.

Airservices Australia is a Government Business Enterprise which is required to operate in a commercial manner and achieve reasonable rates of return on assets used in the provision of services to the aviation industry.

Charges are related directly to the use of facilities and services and the cost of providing these services.”

SOURCE DATED: 21 AUGUST 2003.

“The Australian Government has had prices oversight arrangements for public and private sector business aviation activities in place for nearly two decades. The objective of these arrangements is to promote competitive pricing, and to restrain price rises in those markets where competition is seen to be less than effective.

The provision of air traffic control and airport rescue and fire fighting services is declared pursuant to Section 21 of the *Prices Surveillance Act 1983 (PS Act)*. Pursuant to Section 22 of the PS Act, *Airservices* is required to notify the Australian Competition and Consumer Commission (Commission) of proposed increases to the prices of these services. The Commission may respond to the notification by either not objecting to the proposed prices, or not objecting to increases lower than the proposed prices (including no increase).

PS Act. The relevant declaration, Declaration Number 66, is available from the Commission’s website.

The statutory criteria for assessing a notification are set out in sub-section 17(13) of the PS Act. This sub-section specifies that in assessing a notification, the Commission is required to have particular regard to:

- a) the need to maintain investment and employment, including the influence of profitability on investment and employment;
- b) the need to discourage a person who is in a position substantially to influence a market for goods or services from taking advantage of that power in setting prices; and
- c) the need to discourage cost increases arising from increases in wages and changes in conditions of employment inconsistent with principles established by relevant industrial tribunals.

The Commission takes the view that, in relation to these two first criteria, an important consideration is that in an open and competitive market economy efficient provision of services underpins investment and employment opportunity. Investment and employment in the national economy will be promoted when firms produce goods or services efficiently and charge prices which correspond as closely as possible to the competitive levels. Monopoly suppliers do not necessarily produce goods or services at efficient cost levels or at competitive prices. If higher than efficient prices for intermediate services and products are passed on to the rest of the economy, there is a resultant loss in technical and allocative efficiency and potentially therefore in investment and employment opportunity. The Commission considers that encouraging efficient pricing outcomes in line with more competitive conditions implies that price increases should stem from a cost base which is efficient and involves only appropriate margins. Given this broad context, the Commission in assessing price notifications will direct its attention to:

- the efficiency of the cost base that the declared company is working from to earn a return; and
- the reasonableness of the rate of return that the declared company is seeking.

The third criterion outlined in paragraph 17(3)(c) no longer appears to be directly relevant to a price notification because of changes to industrial relations legislation and wage determination practice.”

SOURCE DATED: 10 JULY 2008.

## **Airports**

“The 22 leased Federal airports (i.e., leased by the Federal Government to private operators for 50 years with an option for a further 49 years) are able to commercially negotiate with their customers without government intervention. These 22 leased airports are subject to the Federal Government's Airports Act 1996 and Aeronautical Pricing Principles which set out the Government's expectations on the airports' pricing behaviour. A persistent failure to produce commercial outcomes consistent with these Principles could lead to a more formal price scrutiny of the relevant airport and potentially may lead to imposition of a more heavy-handed regulation. The Government's Pricing Principles are consistent with paragraphs 22 and 23 of ICAO Document 9082/7.

However, only five of these 22 leased airports (Adelaide, Brisbane, Melbourne, Perth and Sydney airports) are subject to a formal price monitoring regulatory regime. The Australian Competition and Consumer Commission (ACCC) publishes annually a financial, price and quality of service monitoring report in respect of the five major airports. The ACCC report helps inform the Government whether there has been a misuse of market power by any of the monitored airports.

In addition to the 22 leased Federal airports, there are also around 230 other aerodromes in Australia covered under the Aerodrome Local Ownership Plan (ALOP). All 230 ALOP aerodromes had been transferred to local ownership -- mainly to local councils, but in a small number of cases, to business or State Government. The Federal Government has no direct role in the operation, maintenance or development of these local aerodromes. However, prior consent of the Secretary of the (Federal) Department of Infrastructure, Transport, Regional Development and Local Government must be obtained if the aerodrome is to be closed or developed in a manner that renders it inoperable.

Furthermore, there are other airports in Australia that are not subject to regulation under the Federal Government's Airports Act 1996 – for example: Cairns International Airport (operated by a State government business enterprise); Avalon Airport (leased by the Federal Department of Defence to a private operator) and Newcastle (Williamstown) Airport (leased by the Federal Department of Defence to local councils). These airports are not subject to the Federal Government's airport pricing regulatory arrangements.

The pricing principles relating to prices for aeronautical services and facilities (as defined in Part 7 of the Airports Regulations 1997) provided by airports are:

- a) that prices should:
  - (i) be set so as to generate expected revenue for a service or services that is at least sufficient to meet the efficient costs of providing the service or services; and
  - (ii) include a return on investment in tangible (non-current) aeronautical assets, commensurate with the regulatory and commercial risks involved and in accordance with these Pricing Principles;
- b) that pricing regimes should provide incentives to reduce costs or otherwise improve productivity;
- c) that prices (including service level specifications and any associated terms and conditions of access to aeronautical services) should:
  - (i) be established through commercial negotiations undertaken in good faith, with open and transparent information exchange between the airports and their customers and utilising processes for resolving disputes in a commercial manner (for example, independent commercial mediation/binding arbitration); and
  - (ii) reflect a reasonable sharing of risks and returns, as agreed between airports and their customers (including risks and returns relating to changes in passenger traffic or productivity improvements resulting in over or under recovery of agreed allowable aeronautical revenue);
- d) that price structures should:
  - (i) allow multi-part pricing and price discrimination when it aids efficiency (including the efficient development of aeronautical services); and
  - (ii) notwithstanding the cross-ownership restrictions in the Airports Act 1996, not allow a vertically integrated service provider to set terms and conditions that discriminate in favour of its downstream operations, except to the extent that the cost of providing access to other operators is higher;
- e) that service-level outcomes for aeronautical services provided by the airport operators should be consistent with users' reasonable expectations;
- f) that aeronautical asset revaluations by airports should not generally provide a basis for higher aeronautical prices, unless customers agree; and
- g) that at airports with significant capacity constraints, peak period pricing is allowed where necessary to efficiently manage demand and promote efficient investment in and use of airport infrastructure, consistent with all of the above Principles.

The Government will give regard to these Pricing Principles when assessing the behaviour of the monitored airports. A persistent failure to produce results consistent with these Principles could lead to more detailed scrutiny of an airport(s) under the 'show cause' mechanism and potentially the imposition of more heavy-handed regulation.

The Government also considers that these Pricing Principles should act as a guide for the conduct of all airports, whether price monitored or not."

### **Air navigation services**

"Airservices Australia has a long-term pricing agreement, which usually has a term of 5 years. This agreement sets out the charges for enroute, terminal navigation, tower and ARFF services. The Australian economic regulator, the Australian Competition and Consumer Commission (ACCC), reviews changes to the charges and approves the Long-Term Pricing Agreement Negotiations and consultation take place with airline carriers in the lead up to Airservices Australia lodging its changes with the ACCC. Information relevant to the Long-Term Pricing Agreement can be found on Airservices' website (<http://www.airservices.gov.au/pilotcentre/avcharge/price/charges.asp>).

**AUSTRIA**

SOURCE DATED: 1 JULY 2008.

“It is the policy of the Austrian Government to comply as far as possible with the principles set forth in the recommendations agreed at the ANSConf 2000 (Doc 9764) and in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082). It is expected by the Austrian Government that the costs of airport and air navigation facilities - including full costs of capital - should be recovered by user charges completely. However, paragraph 23 of Doc 9082 does not apply to security charges.

Airport charges are kept under constant review and adjustments at the airports of Vienna, Salzburg, Innsbruck, Graz, Klagenfurt and Linz are approved on 1 January annually calculated by way of Price-Cap-Formulas based on the Austrian inflation rate and traffic increase at each individual airport. This is to safeguard that overcharging is avoided and productivity gains are partially redistributed amongst users while leaving airports an incentive for sound economic management.”

**Air navigation services**

“Air navigation charges (en-route and approach) continue to be calculated on EUROCONTROL principles, i.e. traffic unit costs are calculated by way of divisions cost base/movements and then passed over to users without any profit/productivity factor.

Austria is bound by policies stemming from its obligations from EC Legislation (Regulation 1794/2006) and EUROCONTROL Multilateral Agreement.

Economic oversight is part of regular ANS supervisory activities stemming from EC Legislation (Regulation 20P6/2005, Article 6).”

**AZERBAIJAN**

SOURCE DATED: 1 NOVEMBER 2002.

“The policy of the Azerbaijani Republic with regard to State airport charges and air navigation charges is based on the provisions of Article 15 of the *Convention on International Civil Aviation* and the principles recommended by the Council of ICAO.

Implementation of the charging system in the Azerbaijani Republic is based on the economic need to recover the costs related to the operation of airports and air navigation facilities, taking into account the plans for their improvement.

The levels of the charges for using State airports and air navigation facilities in the Azerbaijani Republic are reviewed periodically in view of the modernization of airports and route facilities on international routes in the Azerbaijani Republic and in accordance with the financial policy of the government departments concerned.

The value added tax (VAT) is not included in the airport and air navigation facility charges levied on aircraft performing international flights.”

**BAHRAIN**

SOURCE DATED: 16 JUNE 2001.

“Authority to impose fees

- 1) The competent Minister shall impose the following civil aviation fees along with any appropriate change to them, from time to time.

- (a) Airport and air navigation service fees (landing, parking - hangar, air navigation services).
  - (b) Appropriate fees in return for registration and certification of aircraft.
  - (c) Fees for licenses, permits and aviation services.
- 2) The competent Minister shall impose the standard fees following consultation with the Minister of Finance and National Economy and following the approval of the Council of Ministers.”

## **BARBADOS**

SOURCE DATED: 8 FEBRUARY 2000.

“...the present policy of this Government on Airport and Air Navigation Facility Charges is based on Recommendations 7 and 8 of the Conference on Charges for Airports and Route Navigation Facilities (Doc 8675) [CARF] (1967).”

SOURCE DATED: 14 JULY 2008.

### **Airports**

“By an act of Parliament signed by the Governor General of Barbados on 3 March 2003, Government established the Grantley Adams International Airport Inc. a limited liability company incorporated to manage the Grantley Adams International Airport. The Act gives the company the rights to set, collect and retain airport charges, landing fees, fuel charges, parking charges or any other commercial charge or fee in connection with and use of airport facilities and services.

Economic oversight functions for the Grantley Adams International Airport Inc. are carried out by the International Transport Division of the Ministry of Transport, Works and International Transport.”

### **Air navigation services**

“All air navigation charges are levied by the custodians of the FIR-Trinidad and Tobago Civil Aviation Authority.

Air navigation charges administration is the responsibility of the Trinidad and Tobago Civil Aviation Authority and hence Barbados does not provide any oversight.”

## **BELARUS**

SOURCE DATED: 29 APRIL 1996.

“The policy of the Republic of Belarus with regard to charges for airports and air navigation services is based on the provisions of Article 15 of the Chicago Convention and the principles set out in the *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082/6).

The Aviation Administration of the Republic of Belarus seeks to recover from operators all outlays and expenses related to the operation of airports and air navigation facilities.”

## **BELGIUM**

SOURCE DATED: 21 MAY 2001.

### **Airports**

“Airport charges and tariffs of Belgian airports are regulated in two different ways. Tariffs for Brussels National Airport are in the competence of the Federal Government. The latest decisions were taken on 15 February 2001.

Regional airports in Flanders and Wallonia have their own tariffs. The legal basis for the international airports in Flanders (Ostend and Antwerp) are fixed by the Ministerial Order of 16 March 2001. Legal basis for the airports in Wallonia (Charleroi/Brussels South and Liège) is the Walloon Government Edict of 1<sup>st</sup> November 1998 which is still in force for 2001.”

SOURCE DATED: 2 OCTOBER 2003.

“The State and the providers (airports, ATC) have concluded an “enterprise contract” of which the charging principles form integral part; tariffs are approved by the Minister.”

SOURCE DATED: 27 JUNE 2008.

## Airports

Cost basis for airport charges

“Article 41, §1 - §3, of the Royal Decree of 21 June 2004 on the granting of the a license for the exploitation of the Brussels Airport allows a system of adapted single-till where non-aeronautical revenues are taken into account when the charges are set. However, this adapted single-till system will evolve in dual-till system.

Extract from the Royal Decree, (French version) «Art. 41. § 1er. Le titulaire mène une politique tarifaire basée sur le principe du mécanisme de contrôle des revenus du *single till* adapté. § 2. Les activités régulées sont subsidiées par une partie des résultats tirés des activités subsidiantes. § 3. Le niveau de subsideation diminuera dans le temps dans la mesure où les tarifs des redevances aéroportuaires des activités régulées resteront compétitifs par rapport aux pratiques tarifaires des aéroports de référence, avec l’objectif d’évoluer vers un mécanisme de *dual till*».

Furthermore, Article 42, 1° - 2°, of the same Royal Decree stipulates that the airport charges have to reflect the incurred costs and that a profit margin has to be guaranteed for the recoupment of invested capital.

Extract from the Royal Decree, (French version) «Art. 42. La formule de contrôle tarifaire visée à l’article 30, 7°, de l’arrêté royal du 27 mai 2004 relatif à la transformation de B.I.A.C. en S.A. de droit privé et aux installations aéroportuaires et le système tarifaire sont fixés de manière à: 1° refléter les coûts; 2° assurer une marge bénéficiaire équitable en rémunération des capitaux investis, en vue d’assurer notamment le développement des installations aéroportuaires conformément aux dispositions du Chapitre III, Section V du présent arrêté».

Airport charging systems

Article 44, § 1 - § 2, stipulates that the tariffs have to be applied in an identical manner to identical users and in comparable circumstances (non-discrimination principle). Tariff discounts or promotional tariffs are only allowed for valid reasons and have to comply with statutory provisions.

Extract from the Royal Decree, (French version): «Art. 44. § 1er. Les tarifs sont appliqués de façon identique pour des usages identiques et dans des circonstances comparables. § 2. Des réductions ou des tarifs promotionnels peuvent uniquement être consentis pour des raisons et selon des règles fondées, et doivent respecter les dispositions légales en la matière».

Article 47, § 1, of the same Royal Decree stipulates that the tariff formula and the tariff system have to be defined and presented in a logical, simple and clear manner; the rules should be transparent to all users.

Extract from the Royal Decree, (French version) «Art. 47. § 1er. La formule de contrôle tarifaire et le système tarifaire doivent être exprimés et présentés de façon logique, simple et claire; les règles doivent en être transparentes pour chaque usager».

## **Air navigation services**

“Cost basis for air navigation services charges

Article 25 of the annex to the Royal decree of 21 January 2005 on the approval of the second management contract between the Belgian and Belgocontrol (ANSP) stipulates the following (French version): «Art. 25. Les coûts supportés par Belgocontrol dans le cadre des services de navigation aérienne rendus dans l’espace aérien belge sont recouverts auprès des usagers de ces services, en appliquant dans la mesure du possible les recommandations O.A.C.I. y relatives.»

Allocation of costs of air navigation services among aeronautical users

Article 34, § 1, of the annex to the Royal decree of 21 January 2005 on the approval of the second management contract between the Belgian and Belgocontrol (ANSP) stipulates the following (French version): «Art. 34. § 1. Belgocontrol procède chaque année à une estimation des charges qui seront nécessaires pour assurer le contrôle du trafic en route au cours de l’exercice suivant. Sur base des recommandations O.A.C.I. et des principes d’établissement de l’assiette des redevances pour services de navigation aérienne de route et des principes de calcul des taux unitaire d’Eurocontrol, elle propose à Eurocontrol un taux unitaire à utiliser pour la facturation aux usagers.»

Air navigation services charging systems

Article 32 of the annex to the Royal decree of 21 January 2005 on the approval of the second management contract between the Belgian and Belgocontrol (ANSP) stipulates the following (French version): «Art. 32. Les redevances en route sont facturée aux usagers et encaissées par Eurocontrol conformément à l’Accord Multilatéral, y compris les Conditions d’application du système Eurocontrol des redevances de route et ses annexes.»

Cost basis for ANS, allocation of costs of ANS among users and ANS charging systems are refer to the Commission Regulation (EC) N° 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services. The provisions of this Regulation are since 2008 applicable, regarding the provision of en-route air navigation services.”

## **BELIZE**

SOURCE DATED: 3 JULY 2006.

“Our general charging policy is based on the following factors which affect the levying of the charges laid out in Section 2 of Doc 7100:

- 1) The continuing rise in the cost of airport facilities including maintenance and operational costs; and
- 2) The costs associated with the upgrading of the airport infrastructure, which include:
  - i) apron and runway expansions;
  - ii) implementation of radar services; and
  - iii) installation of Instrument Landing System.”

## **BENIN**

SOURCE DATED: 25 JULY 1996.

“Since 19 August 1992, a security charge has been levied on Benin airports in order to finance the programme of upgrading air transport security services.”



**BOLIVIA**

SOURCE DATED: 20 NOVEMBER 1998.

“With regard to the general policy on the charges ... this will be based on the following factors which affect the levying of charges: the continuing rise in the cost of airport maintenance and operation, the depreciation of fixed assets in general and the financial costs associated with the improvement of facilities being implemented at present.”

**BOTSWANA**

SOURCE DATED: 25 APRIL 2002.

“As from 27 April 1995, Botswana introduced the aircraft parking charge and passenger service charges. Subsequent to this, the en-route air navigation charges were introduced as of 15 July 1999.

The introduction of these charges, together with the increase in landing charges, is based on cost recovery. Furthermore, these charges are subject to periodic review, taking into account the continuing rise in the cost of airport facilities, their operations and maintenance and provision of ancillary services.”

**BRAZIL**

SOURCE DATED: 15 AUGUST 2003.

**Airports**

Economic regulation is provided by an independent body under the control of the Brazilian Government through *Aeronautics Command*.

**Air navigation services**

Economic regulation is provided by an independent body under the control of the Brazilian Government through *Aeronautics Command*.

SOURCE DATED: 2 JUNE 2008.

“The general aviation must pay cash (U.S. dollar or national currency) for their due charges at the airports where those aircrafts operate.

The airport and air navigation facility tariffs are periodically adjusted according to cost recovering policy. The AIP Brazil, Facilitation Section, should be consulted for up-to-date information.

An additional 50% (ATAERO – Adicional de Tarifa Aeroportuária) is included in the amount of all tariffs, as established by law, on March 16, 1990.”

SOURCE DATED: 14 JULY 2008.

**Airports**

“Airport services are regulated by ANAC.

The policy for the cost basis for airport charges are found at the following website [www.anac.gov.br](http://www.anac.gov.br): Law N° 7.565 of December 19, 1986, Article 37 of the Brazilian Aeronautical Code Regulation N° 306/GC5 of March 25, 2003, Embarkation Tax Art.7th and Landing Tax Art. 8th

The policy for airport charging systems are found at the following website [www.anac.gov.br](http://www.anac.gov.br): Regulation N° 306/GC5 of March 25, 2003, Landing Tax Art. 8th, 13, 16, 6th

The oversight function is carried out as per law n°11.182 – 27 September 2005 – Creation of National Civil Aviation Agency – ANAC states in its article 8 that it is an attribute from the Agency to establish the policy regarding the use of airport infrastructure tariff, as a whole or just part of it.”

### **Air navigation services**

“Brazilian policies and practices regarding air navigation services are found in the following documents:

- Portaria no 376/GC5, 11/04/2003 – Approves instruction about air navigation services charges
- Portaria no 010/VIDEX, 24/04/2003 – Defines the system for air navigation services charges
- Portaria no 1/SDAD, 30/4/2005 – Defines criteria and procedures for the calculation of air navigation services charges
- Portaria no 4/SDAD, 30/5/2005 – Defines the system for air navigation services charges regarding overflights

Air navigation services are operated by Brazilian government entities.”

### **BRUNEI DARUSSALAM**

SOURCE DATED: 18 JANUARY 1988.

“It should also be mentioned that the inclusion of the passenger service charge into the various airport service charges currently imposed at the Brunei International Airport, is in line with the overall objective that users should share with the Airport Authority concerned, the economic costs of providing the airport and ancillary services, including appropriate amounts for interest on capital investment and depreciation of assets as recommended by the ICAO Council.”

### **BULGARIA**

SOURCE DATED: 23 MAY 2002.

“The national policy with regard to air navigation services charges is carried out in accordance with the documents and requirements of ICAO – Doc 9082. The air navigation charges are subject to annual revision and updating in compliance with the Principles of EUROCONTROL regarding charges, as a result of the ratified in 1997 on behalf of Bulgaria *Multilateral agreement relating to route charges* of the EUROCONTROL member States.

Air navigation and overflying charges include: provision and use of air navigation facilities, management and control of flights upon overflying of aircraft as well as administrative costs.

Air navigation service charges at the airport zone include: provision and use of radio navigation facilities and lighting facilities for landing and take-off, air navigation and meteorological information, management and control of flights of aircraft at take-off and landing and administrative costs.”

### **BURKINA FASO**

SOURCE DATED: 15 APRIL 1999.

“...there will be the periodical review of the landing and air navigation facility charges, which takes place generally at the beginning of each year.”

**BURUNDI**

SOURCE DATED: 6 JUNE 2002.

“The general policy on airport and air navigation services charges is based on the recommendations and conclusions of the Council included in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082/6).

Burundi periodically revises the basis for these charges in accordance with the principles in the referred document and with the overall regional economic situation.”

**CAMEROON**

SOURCE DATED: 11 JULY 2001.

**Airports**

A study in compliance with ICAO’s policies by Cameroon Civil Aviation Authority is underway.

**Air navigation services**

The national economic regulation is carried out in accordance with the Multilateral Agreement between member States of ASECNA.

**CANADA**

SOURCE DATED: 29 MAY 2008.

**Airports**

“The Air Services Charges Regulations (ASCR) set out the charges applicable at airports operated by or on behalf of the Minister of Transport.

At airports operated by airport authorities, charges are set by each authority. All of Canada’s major international and domestic airports have been turned over to individual local airport authorities on long term leases. These authorities are not-for-profit, non-shared corporations whose mandate is to maintain, operate and expand the airports according to local needs and desires. Any profits that may be generated from local airport operations must be re-spent at the airport. Audited financial reports are provided annually to the federal transport department to ensure compliance.”

**Air navigation services**

“Charges for air navigation services are established by NAV CANADA, the provider of the services.

Since November 1, 1996, NAV CANADA, a non-share capital corporation, is responsible for the provision and availability of civil air navigation facilities and services for aircraft in Canadian airspace or any other airspace for which Canada is responsible for providing air navigation services. NAV CANADA recovers its costs through a system of service charges in accordance with the Civil Air Navigation Services Commercialization Act.

Specific charging principles are provided in the Civil Air Navigation Services Commercialization Act, and must be followed by NAV CANADA. The company's Board of Directors, representing users, government and employees, approves new or revised charges. These charges can be appealed to the Canadian Transportation Agency if a user considers that the charges conflict with one or more of the charging principles set out in the Act. To date, there have been no successful appeals.”

**CENTRAL AFRICAN REPUBLIC**

SOURCE DATED: 16 FEBRUARY 1992.

“As a signatory to the Convention of Dakar, the Central African Republic follows the general policy adopted by the ASECNA Member States concerning airport and air navigation facility tariffs.

With regard to airport tariffs, the continuous increase in operating costs as well as the need for additional revenue to cover major investments required to improve the operating conditions for present aircraft and permit operations with large-capacity aircraft will probably make it necessary for the Government of the Central African Republic to raise these charges in the coming years.”

**CHAD**

SOURCE DATED: 25 JULY 1990.

“As in most of the African States, Chad's general policy for airport charges is objectively based on world inflation in general and fuel costs in particular. The charges are subject to overall adjustment on this basis. This policy is emphasized by the continental location of our country (transportation of fuel).

The resulting situation is difficult to reconcile with ICAO's desire to reduce airport charges which might penalize international air transport.

In general terms, our policy is not primarily intended to provide exorbitant revenues or unnecessary profits. The current level of airport charges is satisfactory as a whole in as much as the airports concerned are the property of the State. The situation would be more disastrous if these infrastructures were privately managed.

The policy of disenclosure of the country does not recommend the latter eventuality.”

**CHILE**

SOURCE DATED: 31 MAY 2001.

“Our country's policy with respect to charging for airport and en-route navigation facilities and its implementation is based mainly on the applicable recommendations of the Conference on Charges for Airports and Route Navigation Facilities (CARFE 1981) and those contained in the *Statements by the Council to Contracting States on Charges for Airports and Route Air Navigation Facilities* (1981).

At the present time, the cost study by the Directorate General of Civil Aviation is still in progress and upon its completion the amounts of the aeronautical rates and charges are likely to change to some extent.”

SOURCE DATED: 12 AUGUST 2003.

“In Chile, the tariffs for airports and air navigation services in force are not based on any cost criteria. However, the DGAC is completely self-funded both in terms of expenses and investments, and does not transfer resources to other sectors.

These tariffs were fixed in 1974 taking the tariffs imposed to other South American countries as reference; later on, several adjustments and modifications were introduced while maintaining their basic structure.

In spite of the above, the tariff system is simple and easy to apply. Besides, it makes no distinction between local and international users, although tariffs imposed on domestic flights are significantly lower than those imposed on international flights. Tariffs imposed on international flights are fixed in United States dollars.

In addition, tariffs collected in Chile are in general similar or lower than those applied in other South American countries.”

REFERENCIA: 12 DE AGOSTO DE 2003.

“En Chile, las Tarifas Aeroportuarias y de Navegación Aérea vigentes, no están fijadas en base a criterios de Costos. Sin embargo, la DGAC se autofinancia totalmente, tanto en sus gastos como en sus inversiones, y no transfiere recursos a otros Sectores.

Estas tarifas fueron fijadas en 1974, tomando como referencia lo que se cobraba en otros países sudamericanos y posteriormente se les ha introducido diversos ajustes y modificaciones, pero conservando su estructura básica.

A pesar de lo anterior, el sistema tarifario es simple y de fácil aplicación. Asimismo, no discrimina entre usuarios nacionales y extranjeros, aunque las Tarifas para vuelos nacionales son significativamente inferiores a las Tarifas para vuelos internacionales. Las tarifas para vuelos internacionales están fijadas en Dólares de los Estados Unidos.

Asimismo, las Tarifas que se cobran en Chile, tienen en general, un nivel similar o inferior a las que se aplican en otros países de la región sudamericana.”

REFERENCIA: 1 DE JULIO DE 2008

“En materia de utilización de una base de costos para fijar derechos aeroportuarios y por servicios de navegación aérea, el Estado de Chile se basa en el Reglamento de Tasas y Derechos Aeronáuticos DAR 50. Este Reglamento se encuentra vigente desde el año 1974, por lo que no existe una relación directa entre costos y tasas a cobrar por derechos aeronáuticos y por servicios de navegación aérea. Es importante señalar, que en la DGAC existe una Sistema de Costos institucional, el cual es utilizado por el control de gestión y la toma de decisiones.”

### **Aeropuertos**

“En relación al sistema de imposición de derechos aeroportuarios, se utiliza el Reglamento de Tasas y el PMD como medida de referencia para realizar el cobro. En relación a tarifas nacionales y extranjeras, si existen diferencias en las tarifas para operaciones nacionales y extranjeras.

En el Estado de Chile existe un mix en la explotación de aeropuertos, ya que el área comercial no aeronáutica se encuentra bajo la administración de entidades autónomas y desarrollan la explotación de servicios como terminales de pasajeros y carga, utilización de mangas, locales, counters, ventas libres de impuesto, etc. En este caso, el Estado no lleva a cabo una vigilancia y la inspección del cumplimiento de la entidad autónoma de sus funciones, tanto en la fase de construcción como de explotación de la obra.

La explotación de los servicios de aproximación, aterrizaje y despegue, como lo que respecta a seguridad, en equipos, instalaciones y personal, es realizada por el Estado. Estos derechos se encuentran estipulados en el Reglamento de Tasas y Derechos Aeronáuticos DAR 50.”

### **Servicios de navegación aérea**

“Respecto al sistema de imposición de derechos por servicios de navegación aérea, el Estado de Chile se basa en la aplicación del Reglamento de Tasas y Derechos Aeronáuticos, el que utiliza como parámetros de cobro el PMD de aeronaves y km recorrido. Si, existe diferencia en el cobro de las operaciones nacionales e internacionales.

Los servicios de navegación aérea están a cargo del Estado de Chile, bajo la administración de la DGAC.”

## **CHINA**

SOURCE DATED: 29 MAY 2001.

China “... is currently amending and adjusting its tariffs policies in accordance with the provisions enshrined in Article 15, Chapter II of the *Convention on International Civil Aviation* and the recommendations contained in *ICAO's Policies on Charges for Airports and Air Navigation Service*.”

SOURCE DATED: 26 JUNE 2008.

## **Airports**

“Since the reform and opening up, civil airport (hereinafter referred as airport) charges have been playing a crucial role in improving the comprehensive supporting capability of airport and promoting the coordinated development of civil aviation. With the deepening of institutional reform in civil aviation, deep-rooted problems have emerged gradually in the policy and system of airport charges. The problems are reflected mainly in the following areas: centralized management of airport charges, the formation mechanism for charges is far from satisfactory; the relations of interests between the airport regulatory authorities and airlines are yet to be rationalized; and the market fails to play an adequate role in the allocation of resources. Therefore, we need to deepen our reform in order to establish a regulatory system and formation mechanism for airport charges which will be in line with the institutional reform of civil aviation, thus facilitating the harmonious development of the industry.

### **I. The Necessity of the Reform**

1. The reform of airport charges is one of the important contents in deepening the reform in civil aviation, is a necessary channel for the preliminary establishment of a regulatory system and formation mechanism of airport charges and is helpful for the market to play its fundamental role in the allocation of resources.
2. Airports are an infrastructure of public interest, and are an integral part of air transport system. Reform of airport charges is conducive to rationalize the relationship between the airport authorities and airlines, thus facilitating the harmonious development of civil aviation.
3. The reform of airport charges is intended to share and draw upon the experience of the advanced system and management modes of international civil aviation and gradually put the airport charges in line with the international practices.
4. The reform of airport charges is also intended to gradually solve the problem of differentiated treatment for domestic and foreign airlines. It is the logic requirement for better adaptation to “Open Sky” in civil aviation and the globalization of the global economy.
5. The reform of airport charges will further specify the regulatory functions and responsibilities of the government, strengthen the governmental supervision and standardize market order.

### **II. The Guidance, Principles and Objectives of the Reform**

6. Guidance: In the spirit of the State Council Notice on the Reform Plan of Civil Aviation’s Institutional Reform, and in accordance with our national conditions, we will learn and draw upon the experience of airport charges both at home and abroad, and actively and steadily press ahead with the reform of airport charges, so as to establish the formation mechanism for airport charges which meet the development requirements of socialist market economy, civil aviation management system and operation mechanism.

7. Basic principles: First, the principle of a gradually unified airport charge system for domestic and foreign airlines. We will restructure the airport charges and improve the system of airport charges, and in 5 years, the charging criteria for the international and Hong Kong and Macau flights operated by the airlines of the Chinese mainland and the charging criteria for the flights operated by foreign airlines and Hong Kong and Macau airlines will be unified.

Second, cost recovery principle. the charging criteria will be established according to the reasonable cost incurred by the airport authorities and service providers in providing facilities and services, and the affordability of users.

Third, the principle of consultation. We will improve the transparency of the airport charges, urge the airport authorities and service providers to strengthen their management, and improve efficiency to provide fair and high quality services.

Fourth, the principle of specified functions and responsibilities of the government bodies and enterprises. We will transform the government functions, delegate the power of airport charge management on conditions and give proper play to the role of market in the allocation of resources.

Fifth, the principle of specified functions and responsibilities of regulatory authorities. We will intensify the efforts to oversee the charging behaviours of the airport authorities and services providers, so as to maintain the legitimate rights of the main player of air transportation market.

8. The objectives of the reform. We will adapt ourselves to the requirements of socialist market economy and the developments of civil aviation, and establish categorized system of airport charges and airport charge formation mechanisms characterized by the combination of government guiding prices and market regulation.

### III. Specific Measures of the Reform

9. Classification of airports

9.1 According to the traffic turnover, airports in China are classified into three categories. Category I airport refers to the airport whose converted passenger traffic turnover exceeds four per cent (inclusive) of the converted passenger turnover of all airports of the country, among which the airport whose converted turnover of passengers to and from foreign countries, Hong Kong and Macau accounts for over 25 per cent (inclusive) is classified into category I class 1 airports, otherwise it is classified into category I class 2 airports. Category II airport refers to the airport whose converted passenger traffic turnover accounts for one per cent (inclusive) to four per cent of the national total. Category III airport refers to the airport whose passenger traffic turnover accounts for less than one per cent of the national total.

The airport category catalogue is established and adjusted by the General Administration of Civil Aviation of China (CAAC) and the National Development and Reform Commission (NDRC), and is published through AirTIS (please refer to [www.airtis.net](http://www.airtis.net)).

10. Unification of charge items

10.1 Airport charges include aeronautical charges, non-aeronautical major charges and non-aviation miscellaneous charges.

10.2 Aeronautical charges refer to the charges collected by the airport authorities from the owners and users of aircraft for the facilities and services provided for the safe operation of aircraft.

10.3 Non-aeronautical major charges refer to the charges other than the aeronautical charges collected by the airport authorities or service providers directly from airlines.

10.4 Non-aeronautical miscellaneous charges refer to the non-aeronautical miscellaneous charges other than the non-aeronautical major charges.

10.5 Aeronautical charges and non-aeronautical major charges are decided and adjusted by the CAAC and the NDRC and published through AirTIS. Non-aeronautical miscellaneous charges will be implemented by the airport authorities and service providers in accordance with relevant law and regulations.

11. The reform of management modes of airport charges

11.1 The criteria for aeronautical charge items will be implemented according to the government guiding price. The benchmark price will be determined by CAAC and NDRC in accordance with the reasonable cost of the facilities and services provided by the airport authorities and the affordability of the users, and be published through AirTIS.

11.2 The criteria for non-aeronautical major charge items (excluding ground handling service charge of international flights and flights to Hong Kong and Macau) will be implemented according to the government guiding prices. The benchmark will be determined by CAAC and NDRC in accordance with the reasonable cost of the facilities and services provided by the airport authorities or service providers and the affordability of the users, and be published through AirTIS. The international flights and flights to and from Hong Kong and Macau will implement the market-regulated price.

11.3 The charging criteria for non-aeronautical miscellaneous charge items will be based on market-regulated price in principle. For the criteria for charge items that are of inadequate market competition, it should be regulated on the basis of the pricing catalogue in accordance with the Price Law of the People's Republic of China.

12. Normally the benchmark price for aeronautical and non-aeronautical major charge items (excluding ground handling charge of international flights and flights to and from Hong Kong and Macau) should not be adjusted upward. The downward range should be determined through consultations between airport authorities or services providers and users in accordance with the difference in facilities and service levels rendered.

13. The airport charges for general aviation using the airport facilities and services provided by airport authorities will be specified separately by CAAC and NDRC.

14. The charges for the civil flights using military-civil airports and services provided by airport authorities will be implemented in accordance with this program.

#### **IV. Strengthening the Supervision of Civil Airport Charges**

15. CAAC and NDRC will jointly appraise reasonability of the average airport social cost, and the result of the appraisal will be used as the basis in the determination and adjustment of the airport charging criteria.

16. Civil aviation authorities at all levels shall exercise internal supervision over the implementation of the airport charging criteria. Pricing authorities at all levels shall oversee and inspect the charging behaviour by the airport authorities and services providers, and shall impose administrative punishment on them of for the price-related violations in accordance with the Price Law of the People's Republic of China and the Provisions on Administrative Punishment of Price-related Violations.

17. Civil aviation authorities and pricing authorities at all levels shall establish a complaint system on airport charges, and investigate and handle the problems complained about in accordance with laws, so as to protect the legitimate rights of the main bodies of air transportation.

18. Civil aviation authorities at all levels should urge the airport authorities and service providers to strengthen their management, lower cost and improve the quality of services.

The relevant department of the government carries out economic oversight of ATC units through review, approval and audit of budget estimate, final budget and capital investment projects, as well as check and acceptance of completed projects.”

#### **CHINA (Hong Kong SAR)**

SOURCE DATED: 2 JULY 2008.

##### **Airports**

“Our scheme of airport charges comply with all the principles set out in paragraphs 22 and 23 of Doc 9082.

Airport charges are levied by the Airport Authority of Hong Kong (AAHK). The Scheme of Airport Charges is made by AAHK, submitted to Civil Aviation Department of the Hong Kong Special Administrative Region Government (HKSARG) and approved by the Chief Executive in Council of the HKSARG before it can be implemented.”

##### **Air Navigation Services**

“Our scheme of air navigation services generally adhere to the principles set out in paragraphs 38 to 41 of Doc 9082.”



**CHINA (Macao SAR)**

SOURCE DATED: 19 AUGUST 2003.

**Airports**

“The Macao SAR Government has granted to CAM-Macau International Airport Company the concession to build and manage the Macau International Airport in 1989 for a period of 25 years. This concession was extended for another 25 years, until 2039. Under this concession, CAM has the right to sub-contract airport services such as ground handling, catering, fuel supply, duty free and general aviation handling services to other companies. By going through a public tender, a concessionaire was chosen for each of the services to which the exclusivity to provide a particular service for a specific period was granted.

Due to the exclusive rights granted through the concession and the sub-concession contracts the Civil Aviation Authority as the regulatory body monitors the airport charging systems. All airport charges, except for ground handling, have to be approved by the Civil Aviation Authority before implementation.”

SOURCE DATED: 1 JULY 2008.

**Airports**

“The airport submits to the government annual financial reports and a government representative attends its annual board meeting and other important meetings.”

**Air navigation services**

“The Airport Company (which itself is an autonomous entity) carries out the economic oversight function for air navigation services.”

**COLOMBIA**

SOURCE DATED: 23 JUNE 1987.

“In Colombia the airport network is a consolidated system, the administration and operation of which is ensured by funds from the national Government.

The charges for air navigation facilities and services are established as inclusive tariffs, and the amounts levied are almost entirely re-invested in the system.”

SOURCE DATED: 19 APRIL 2002.

“In Colombia, airport charges are not based on the cost of rendering services to users; therefore, the principles stated in paragraph 22 of Document 9082/6 do not apply.

As regards to paragraph 23, the system for the imposition of charges is simple and suitable: it does not discourage the use of premises and services, and makes no distinction between local and international users who serve international traffic. However, since charges imposed on civil aviation are not based on a cost accounting schedule, the system does not comply with the principles set forth by paragraph 23, items iii) and ix).

As is the case with airport charges, air navigation services charges lack a cost basis on which to fix them, so it is therefore not possible to allocate these costs to users.

The system for the imposition of charges is simple: it does not discourage the use of en-route air navigation premises and services, besides charges are lower than the average for the region and it makes no discriminations, but it does not comply with the provisions of iii) and viii) of paragraph 41.

At present, Colombia is developing a cost system to fix tariffs in accordance with the principles of Document 9082/6 and with the provisions contained in the manuals on the economic aspects of Airports on Air Navigation Services.”

REFERENCIA: 19 DE ABRIL DE 2002.

“En Colombia los derechos aeroportuarios no están basados en los costos de proporcionar los servicios a los usuarios, de manera tal que los principios enunciados en el párrafo 22 del documento 9082/6 no se aplican.

En relación al párrafo 23 el sistema de imposición de derechos es simple y adecuado, no desalienta el uso de instalaciones y servicios, no es discriminatorio entre usuarios nacionales y extranjeros que sirven el tráfico internacional, pero al no basarse los derechos impuestos a la aviación civil en un sistema contable de costos, no cumple los principios enunciados en iii) y ix) del párrafo 23.

Al igual que en el caso de los derechos aeroportuarios, en los derechos por servicios de navegación aérea no existe una base de costos para fijar los derechos por servicios de navegación aérea y por lo tanto no es posible asignar esos costos entre los usuarios aeronáuticos.

El sistema de imposición de derechos es simple, no desalienta el uso de las instalaciones y servicios de navegación aérea en ruta, cooperativamente los derechos son menores al promedio de la región, no es discriminatorio, pero no cumple con lo señalado en iii) y viii) del párrafo 41.

En la actualidad Colombia esta desarrollando un sistema de costos para fijar tarifas de acuerdo a los principios del documento 9082/6 y de acuerdo a las normas de los manuales sobre aspectos económicos de Aeropuertos y Servicios de Navegación Aérea.”

## **COOK ISLANDS**

SOURCE DATED: 9 NOVEMBER 1987.

“The Airport Authority does not anticipate levying additional charges. However in unusual circumstances where the Airport Authority incurs overtime, lighting and other costs might be incurred during delayed and rescheduled flights, or flights outside the normal schedule or unscheduled arrivals and departures, or for damages to airport property, the Authority reserves the right to charge such additional costs direct to the carrier operator on the next account.”

SOURCE DATED: 7 JULY 2008.

### **Airports**

“A balance must be struck between the respective interests of airports and airlines in view of the importance of air transport to States particularly during periods of economic difficulties. Serious endeavours should be made to encourage a greater level of co-operation between airports and airlines to ensure that such difficulties facing them are shared in a reasonable manner.

Sufficient revenues shall be collected to sustain airport functions properly and to maintain a quality of service acceptable to users.

In determining the cost basis for airport charges, the cost to be shared be the full economic cost, including depreciation and interest on capital investments, to the community of providing the airport and its ancillary services, but allowing for all revenues, aeronautical or non-aeronautical, accruing from the operation of the airport.

Airport charges must take into account the right of airports to determine their own economic and commercial policies and their financial independence.

In line with these policies, the Airport Authority will periodically review its existing charges primarily to reflect the existing cost of running its business and secondarily to provide for and secure the future development needs of its business.

This is carried-out by the Airport Authority, Cook Islands. This is a State Owned Enterprise (SOE) operating under its own 'Airport Authority Act 1985'."

### **Air navigation services**

"Air navigation services revenues will be explored to meet operating costs and provide for a reasonable return on assets to contribute towards necessary capital improvements.

Sufficient revenues shall be collected to sustain air navigation functions properly and to maintain a quality of service acceptable to users.

In line with these policies, the Airport Authority will periodically review its existing charges primarily to reflect the existing cost of running its business and secondarily to provide for and secure the future development needs of its business. This is carried-out by the Airport Authority, Cook Islands. This is a State Owned Enterprise (SOE) operating under its own 'Airport Authority Act 1985'."

## **COSTA RICA**

SOURCE DATED: 29 MAY 2002.

### **Airports**

The national economic regulation is carried out by the State.

### **Air navigation services**

The national economic regulation is carried out in accordance with the policies of COCESNA.

REFERENCIA: 11 DE JULIO DE 2008.

### **Aeropuertos**

"Se utiliza el Reglamento de Servicios Aeroportuarios y se lleva la función de vigilancia, mediante el Reglamento de Servicios Aeroportuarios."

### **Servicios de navegación aérea**

Se lleva a cabo la función vigilancia económica "mediante la aplicación del Reglamento de Servicios Aeroportuarios, por el Director Financiero de la Dirección General de Aviación Civil."

## **CÔTE D'IVOIRE**

SOURCE DATED: 15 JULY 1996.

### **Airports**

"All charges are subject to review from time to time as circumstances require and they will be adjusted, if necessary, to correspond to changes in the cost level."

### **Air navigation services**

- "a) Côte d'Ivoire participates in the charging system established by the ASECNA Member States and has therefore adopted the policy shared by these States in this field, the fundamental principle of which is that the use of route air navigation facilities requires payment for services provided.
- b) The charge is determined according to the aircraft type and total distance flown."

**CROATIA**

SOURCE DATED: 19 APRIL 1994.

“Croatia’s policy concerning the airport and air navigation facility charges complies with Article 15 of the Chicago Convention and is determined to maintain conformity as much as possible with the principles set out in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082).

Generally, the air transportation system’s cost in whole should be recovered by users of the system, and policy should insure that, while freely imposing various charges, the industry will not discriminate users and that the level of charges should be related to real cost for services the system provides.

The charges are kept under constant review and appropriate adjustments will be made if circumstances will require.”

SOURCE DATED: 18 JUNE 2008.

**Airports**

“Cost basis for airport charges and airport charging systems are in compliance with EU Directive 96/67/EC.

All Croatian airports are enterprises and their charges are contained in the internal tariffs and ICAO Doc 7100.”

**Air navigation services**

“Regulation on the determination of route and terminal charges is found in the Official Journal No. 57 of 31 March 2008.”

**CUBA**

SOURCE DATED: 29 AUGUST 2003.

**Airports**

“It is relevant to point out that in the tariffs published in the AIP Cuba, no security charges are collected at its airports. Nevertheless, after the events that occurred on 11 September 2001, a series of security measures have been taken which have not up until now involved the payment of any additional charge by users of our airports.

The Instituto de Aeronáutica Civil de Cuba (IACC) is the organization in the Central Administration of the State that is responsible for establishing the tariffs for airport charges, as well as for implementing the policy relating to civil air transport and its auxiliary and related services. This complies with what is established by ICAO.”

REFERENCIA: 29 DE AGOSTO DE 2003.

**Aeropuertos**

“Es válido señalar, que en las tarifas publicadas en el AIP, Cuba no cobra derechos de seguridad en sus aeropuertos, no obstante después de los hechos acaecidos el 11 de Septiembre del 2001, se han tomado una serie de medidas de seguridad, que hasta la fecha, no han conllevado el pago de derecho adicional alguno a los usuarios de nuestros aeropuertos.

El Instituto de Aeronáutica Civil de Cuba (IACC) es el Organismo de la Administración Central del Estado encargado de establecer las tarifas relacionadas con los derechos aeroportuarios, así como de ejecutar la política relativa al transporte aéreo civil, sus servicios auxiliares y conexo, lo cual se ajusta a lo establecido por la OACI.”

REFERENCIA: 12 DE AGOSTO DE 2008.

### **Aeropuertos**

“El Instituto de Aeronáutica Civil de Cuba (IACC) es el Organismo de la Administración Central del Estado encargado de ejecutar la política relativa al transporte aéreo civil, sus servicios auxiliares y conexos, así como de establecer el nivel de los derechos aeroportuarios a aplicar.

Los derechos aeroportuarios en Cuba se calculan en base al costo que representa proporcionar las facilidades y servicios que son utilizados por los usuarios, así como de su explotación, mantenimiento y gestión, previendo la obtención de beneficios razonables, orientados al desarrollo. Para su cálculo, se tienen en cuenta otras fuentes de ingresos que tienen los aeropuertos que contribuyen a compensar costes. Como política, no se discriminan o se perjudican usuarios en beneficio de otros y el sistema de imposición de los derechos de manera general está diseñado y se aplica de acuerdo a las recomendaciones del documento 9082.

El sistema de cobro del derecho por servicios a los pasajeros establece el cobro directamente al pasajero en la instalación aeroportuaria. El operador aeroportuario está encargado de que este proceso funcione sin que ocasione colas y retardos adicionales en los aeropuertos lo cual es controlado por la autoridad aeronáutica. Se ha comprobado a través de los sistemas de control del IACC, que este proceso no causa afectaciones a la facilitación.”

### **Servicios de navegación aérea**

“El IACC ha delegado la gestión de administración y cobro de los derechos por servicios de navegación aérea en la Empresa Cubana de Aeropuertos y Servicios Aeronáuticos, que constituye una organización gestora de servicios con un sistema de gestión avalado por normas internacionales. En este sentido el IACC norma y regula metodológicamente la actividad.

Los derechos por servicios de navegación aérea en Cuba se calculan en base al costo que representa proporcionar las facilidades y servicios que son utilizados por los usuarios, así como de su explotación, mantenimiento y gestión. Su aplicación se realiza de acuerdo a la práctica internacional y en correspondencia con lo establecido por OACI.”

## **CYPRUS**

SOURCE DATED: 31 JULY 2008.

### **Airports**

“Cyprus Civil Aviation Law 213/2002 adopts the principles of paragraphs 22 and 23 of Doc 9082. Furthermore, a new directive on airport charges will be adopted in EU which among other things recognizes the principles of ICAO on airport charges.

The Government since May 2006 awarded through BOT concession agreement the operation of the airports for a 25-year period. Embedded in the agreement is the level of charges levied by the operator and the ceiling on any future increase (as from Nov. 2009) which is based on the average inflation rate of the two preceding years.”

### **Air navigation services**

“Regulation EC 1794/2007 adopted ICAO policies on charges for ANS. Cyprus is also party to the EUROCONTROL Multilateral Agreement relating to Route Charges.”

**CZECH REPUBLIC**

SOURCE DATED: 1 JULY 2008.

**Airports**

“Pursuant to relevant ICAO documents and directives, the level of airport charges is subject to discussion and consultations among operators and users. Ministry of Transport controls whether the operators comply with provisions of directives and international agreements related to Airport and cost recovery policy. However, the level of charges is not subject to approval by the Ministry of Transport. After submitting all the applicable charges for issuing in the AIP of Czech Republic their publication is duly noted.

Regarding the European Commission proposal for Directive of the European Parliament and of the Council on Airport Charges, which is based on ICAO principles, the Czech Republic prepares a transposition of this document to the rule of law of the Czech Republic.

The economic oversight is carried out by the Civil Aviation Authority in the area of handling services.”

**Air navigation services**

“Pursuant to relevant ICAO documents and directives, the level of air navigation services charges is subject to discussion and consultations among operators and users. Ministry of Transport controls whether the operators comply with provisions of directives and international agreements related to air navigation services charges and cost recovery policy. However, the level of charges is not subject to approval by the Ministry of Transport. Charges for en route navigation services, i.e. overflight charges, follow the procedures of EUROCONTROL Route Charges System. After submitting all the applicable charges for issuing in the AIP of Czech Republic their publication is duly noted.

The Czech Republic, as a member state of the European Union, follows the Commission Regulation (EC) No. 1794/2006 that is consistent with EUROCONTROL principles. The EUROCONTROL “Principles” are based on those described in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082) and in the *Manual on Air Navigation Services Economics* (Doc 9161).

Basic economic oversight function for air navigation services is carried out by the Supervisory Board of Air Navigation Services of the Czech Republic, State enterprise. Supervisory Board is elected by the Ministry of Transport, the establisher of the said state enterprise.”

**DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

SOURCE DATED: 15 MARCH 1990.

“The landing charges shall be periodically revised and adjusted in accordance with the cost of operating the various facilities.”

**DENMARK**

SOURCE DATED: 19 JUNE 2001.

**Airports**

“Concerning airport regulation, in October 1990, the newly formed company Copenhagen Airports A/S (CPH) took over the ownership and operation of the two Copenhagen area airports, at Kastrup and Roskilde. Until then, the airports have been owned by the Danish Government and operated by the Copenhagen Airports Authority, a public corporation under the Danish Ministry of Transport.

The new public limited company was wholly owned by the Danish Government, but in 1994, the government sold 25% of the shares to private investors. In 1996 and 2000, the Danish Government sold a further 24% and 17%, respectively, of its shares in the company. Today, the Danish Government holds a 33.8% stake in the company. The Danish Ministry of Transport will continue to do economic regulation on and thereby make sure that the cost bases for the airport charges are made in line with the principles outlined by ICAO.

The running of the rest of airports in Denmark are delegated to the local authority but the economic regulation is made and secured to be in accordance with the ICAO principles by the CAA of Denmark.

There are two exceptions from this rule because Bornholms Airport and Vagar Airport (on the Faroe Islands) are still owned, run and regulated by the CAA of Denmark.”

### **Air navigation services**

“Concerning air navigation services regulation, from the date of 1 January 2001 the CAA of Denmark has been divided into two entities; an economic and safety regulator (CAA of Denmark) and a service provider (ANS Denmark). Both organizations are still government owned.

The implementation of the new organizations is an ongoing process but the economic regulation in accordance with the ICAO policy will be ensured by an annual approval of the (licensed) ANS providers cost base for both the en-route, approach and aerodrome phases of the aircraft operation. The approval is made by both the Economic Regulator (the CAA of Denmark) and within the EUROCONTROL framework.

General Remark:

It is anticipated that a new regulatory regime will provide a closer examination of the cost bases of both airports and ANS provider and to fulfill this ambition the ICAO policies will play a very important role.”

SOURCE: ICAO COUNCIL, 170TH SESSION, 7TH MEETING, 17 NOVEMBER 2003.

All civil aircraft crossing the North Atlantic north of 45° N will be charged per crossing for the use of facilities provided under the *1956 Agreement on the Joint Financing of Certain Air Navigation Services in Greenland as Amended by the Montreal Protocol of 1982* (Doc 9585).

Two-thirds of the charge will be levied on flights between Greenland and Europe, Iceland and Canada, and Iceland and the United States. One-third of the charge will be levied on flights between Greenland and Canada, Greenland and the United States, Greenland and Iceland, and Iceland and Europe. One-third of the charge will also be levied on a crossing to or from Europe or Iceland which does not cross the coast of North America but crosses the meridian of 30° West north of the 45th parallel North. The United Kingdom will collect the charge on behalf of Denmark.

The charge will be levied in pounds Sterling.

The United Kingdom is entitled to add an administrative fee not exceeding 5 per cent of the user charge itself.

With effect from 1 January 1993 an ICAO administrative fee is being added to the combined Danish and Icelandic user charge per single aircraft crossing.

SOURCE DATED: 7 JULY 2008.

### **Airports**

“The text on airport charges policy appears in Danish at the following website:  
<http://www.slv.dk/Dokumenter/dscgi/ds.py/View/Collection-22>.

The economic oversight functions related to Copenhagen Airport, which is a listed company with a majority owned by private investors, is carried out by the Civil Aviation Administration of Denmark.”

**Air navigation services**

“European Commission Regulation 1794/2006 EUROCONTROL Principles for Establishing the Cost Base of the Route Charges System.”

**DOMINICA**

SOURCE DATED: 12 AUGUST 1999.

“The policy with respect to charges for airport and for use of air navigation facilities and services is based on the revision of rates from time to time in accordance with the requirements of the national economy.”

**DOMINICAN REPUBLIC**

SOURCE DATED: 17 SEPTEMBER 1984.

“Following careful review of operational costs and the effect of inflation, studies point to the necessity of adjusting charges for the use of airports and air navigation facilities each time the income becomes insufficient to perform aeronautical functions with the quality of service required by the users and to maintain safety standards stipulated by ICAO.”

**ECUADOR**

SOURCE DATED: 14 JUNE 2001.

**Airports**

“In Ecuador, the policy is mainly based on the international cost recovery principles and on practices and procedures compliant with said policies and principles. The application of the cost basis in setting airport charges is based on Government Accounting information regarding the value of assets and inventories and the depreciation thereof, in order to assess the total costs and relate them to the existing traffic in the country, based on the user category.

As regards the system for the imposition of charges, they are the result of cost studies pursuant to the international principles set forth by ICAO. Charges applicable to premises and services shall be subject to periodical reviews to adapt them to current needs.”

**Air navigation services**

“The calculation of charges for air navigation services was based on the costs and inventories of all existing premises (total investment), on services rendered directly to en-route aircrafts, as well as during the approach, takeoff and landing phases, and on the annual recovery amount considering a standard depreciation term of 10 years and the international traffic defining the user category.”

REFERENCIA: 14 DE JUNIO DE 2001.

**Aeropuertos**

“En el Ecuador, la política está basada fundamentalmente en los principios internacionales de recuperación de costos y en las prácticas y procedimientos que se ajustan a dichas políticas y principios. En relación a la aplicación de la base de costos para fijar derechos aeroportuarios se basa en la información contenida en la Contabilidad Gubernamental, respecto de los valores de los activos e inventarios y sus correspondientes depreciaciones, para establecer los costos totales y relacionarlos con el tráfico existente en el país, en función de la categoría de usuarios.



Con respecto al sistema de imposición de los derechos, son el resultado de estudios de costos en concordancia con los principios internacionales establecidos por OACI. Los derechos aplicables a las instalaciones y servicios estarán sujetos a una revisión periódica a fin de adecuarlos a las necesidades vigentes.”

### Servicios de navegación aérea

“Para el cálculo de los derechos por servicios de navegación aérea se basó en los costos e inventarios de todas las instalaciones existentes (inversión total) y servicios que se proporcionan directamente a las aeronaves en ruta, así como durante las fases de aproximación, despegue y aterrizaje; el monto anual de recuperación considerando un periodo de tiempo de depreciación normal de 10 años y el tráfico internacional definiendo la categoría de usuarios.”

## EGYPT

SOURCE DATED: 14 AUGUST 2003.

### Airports

“Cairo Airport is operated by Cairo Airport Authority. All other airports of the Republic of Egypt are operated by the Egyptian Airport Corporation. B.O.T. system is used for Marsa Alam Airport. All other Egyptian airports are operated by the Egyptian Airport Corporation.

Both the Authority and the Corporation are indirectly affiliated to the Egyptian Ministry of Transportation and the B.O.T. system is contractual. Based on the foregoing, the implementation of the economic regulation and the operation are currently under review for all of the Egyptian Airports in connection with their development, management, as well as the investment therein.”

### Air Navigation Services

“Through the Egyptian Holding Company for Aviation to which the Egyptian Airport Corporation and the National Company for Air Navigation Services are both affiliated. The National Company is responsible for the provision and operation of air traffic and navigational aids, as well as the performance of air traffic services in the Egyptian airspace and in all airports of Egypt. The Holding Company is an affiliate of and is fully owned by the Ministry of Transportation and the Egyptian Government a wholly owned Government agency affiliated to the Ministry of Transport.

The Arab republic of Egypt pursues, in the enforcement and application of airports and air navigation services tariffs, the principles and practices recommended by ICAO, most important of which are the following:

- 1) the necessity that any increase in tariffs should be in line with cost of installation of a new navigation facilities;
- 2) that those tariffs should correspond in their distribution to all users, to the principles of equity; and
- 3) that the established system should further ease application.”

(١) هيئة ميناء القاهرة الجوي (٢) الشركة المصرية للمطارات لياقي مطارات جمهورية مصر العربية (٣) نظم BOT مطار مرسى علم. هيئة ميناء القاهرة؛ والشركة المصرية للمطارات تتبعان بشكل غير مباشر وزارة النقل المصرية و BOT نظام التعاقد. ويتم حاليا مراجعة تنفيذ التنظيم الاقتصادي والتنشيطي على هذه الأسس لكل المطارات المصرية للبناء، والإعداد والإدارة، والاستثمار.

الشركة المصرية القابضة للطيران وتبعتها الشركة المصرية للمطارات والشركة الوطنية لخدمات الملاحة الجوية والتي تكون مسؤولة عن اعداد وتشغيل خدمات الملاحة الجوية والمساعدات الملاحية وتقوم بأداء خدمات الملاحة الجوية بالمجال الجوي المصري وكل المطارات المصرية. والشركة القابضة تابعة ومملوكة بالكامل لوزارة النقل المصرية.

الشركة المصرية القابضة للطيران وتبعتها الشركة المصرية للمطارات التي تكون مسؤولة عن تشغيل المطارات المصرية والشركة المصرية القابضة للطيران تابعة ومملوكة بالكامل للحكومة المصرية (وزارة النقل).

الشركة المصرية القابضة للطيران وتبعتها الشركة الوطنية لخدمات الملاحة الجوية والتي تكون مسؤولة عن اعداد وتشغيل خدمات الحركة الجوية والمساعدات الملاحية وتقوم بأداء خدمات الملاحة الجوية بالمجال الجوي المصري وكل المطارات المصرية. والشركة القابضة تابعة ومملوكة بالكامل للحكومة المصرية \* وزارة النقل \* (ويراعى المادة ٢٦ – لفقنية شيكاغو).

SOURCE DATED: 22 JULY 2008.

### **Airports**

“The airport charging system is simple and is in conformity with Article 15 of the Convention on International Civil Aviation. There is no discrimination between foreign and national users.

Egyptian airports operate as independent entities of the Airport and Air Navigation Services Holding Company. Charges are determined through formal procedures after approval by the Higher Council for Pricing. Any increase in charges are gradual and done in prior coordination and in full transparency with users.

### **Air navigation services**

“The full cost of navigation services, including appropriate amounts for capital costs, depreciation, maintenance, operation and administration cost.

Navigation service costs according to route segment services approach airport services. Costs for users are allocated according to distance, weight and service.

Air navigation services are operated by an autonomous entity (the National Air Navigation Company). Air Navigation Service provider, a public business sector company, affiliated with the Airport Holding Company. Proposed service prices are presented annually to the Higher Council for pricing for approved as a type of local economic oversight”.

## **EL SALVADOR**

SOURCE DATED: 12 FEBRUARY 1998.

In El Salvador, the prevailing policy for the adjustment of the airport charges is that of maintaining the relationship of the costs incurred with the expansion and improvement of the air navigation facilities by the airport administration.

## **ESTONIA**

SOURCE DATED: 5 JULY 2001.

“The national economic regulation is carried out by the State through the Aviation Act. The rates of air traffic charges shall be established by the undertaking providing air traffic services with the approval of the Civil Aviation Administration. The Civil Aviation Administration shall make a decision concerning approval of the rates of air traffic services no later than within thirty day as of submission of corresponding application.

Upon the determination of air traffic charges and/or granting discounts, undertaking providing air traffic airport services shall be guided by the principles for determining air traffic charges of the International Civil Aviation Organization (ICAO), considering that the amounts of air traffic charges and the conditions for discounts must be clearly defined and applied to all users of services which comply with the established conditions and made available to the public in a price list.”

## **ETHIOPIA**

SOURCE DATED: 11 APRIL 1999.

“...as a National Policy, we believe that users shall ultimately bear their full and fair shares of the costs of providing En-route and Airport Facilities and Services. Consequently in order to recoup the investment being made to develop the various airports and en route facilities in the country a proposal for revision of charges is under consideration.”

SOURCE DATED: 15 JULY 2008.

### **Airports**

“The Ministry of Transport and Communication is responsible (the Controlling Authority) in controlling the overall functions of the Ethiopian Airports Enterprise.”

### **Air navigation services**

“The Authority is working to revise the existing tariffs (charges) for en route and terminal operations.

The air navigation services are operated by the Civil Aviation Authority. A study is undergoing to separate the regulatory and service rendering functions.”

## **FIJI**

SOURCE DATED: 2 AUGUST 1993.

“Financial Policy since the inception of this Authority has been for full cost recovery for operations at Nadi International Airport. This has been done in full consultation with the airline operators at Nadi.

However, for operations for domestic airports, the Authority is entitled to recover its expenditure from the Central Government...

The Civil Aviation Authority of Fiji was established as a Statutory Organization with effect from 1 October 1979 and it took over control of Nadi FIR and Nadi International Airport.

The Authority and Fiji Government generally complies with the *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082).

En-route air navigation facilities and services charges were introduced in 1978 after full consultation with IATA and the representatives of airlines operating in the region and is implemented on a non-profit making basis. There is regular consultation with the user airlines on both en-route air navigation charges and landing fees. The charges are aimed at 100 per cent cost recovery, with normal provision for capital depreciation.”

SOURCE DATED: 24 JUNE 2008.

### **Airports**

“Though there is general agreement to the cost based charging principals the following variations should be noted:

- i) full cost of operations are not recovered from the air field operations. The WACC and depreciation are not fully recovered based on existing landing charges which are levied on the MCTOW of aircrafts;
- ii) significant cross subsidies exist from non-aeronautical revenues to Aeronautical operations; and
- iii) cost of services in the aerodrome and approach are fully subsidised from the en route charges.”

Commercial and charging mechanisms are monitored and regulated via the Commerce act of 1998 which is implemented by the commerce commission of the Fiji Islands. The Civil Aviation industry is a regulated industry that falls within the governing scope of the said commission.”

Operational procedures/practices for airports are monitored and governed by the local regulator, the Civil Aviation Authority of Fiji Islands.

### **Air navigation services**

“The full cost of services provided in the aerodrome and approach are not recovered fully from the users. There is extensive cross subsidisation from the en route charges to the aerodrome and approach services.”

Commercial and charging mechanisms are monitored and regulated via the Commerce act of 1998 which is implemented by the commerce commission of the Fiji Islands. The Civil Aviation industry is a regulated industry that falls within the governing scope of the said commission.”

Operational procedures/practices for air navigation services are monitored and governed by the local regulator, the Civil Aviation Authority of Fiji Islands.

## **FINLAND**

SOURCE DATED: 1 JULY 2008.

### **Airports**

“Finavia is a state owned commercial enterprise. There are 25 airports belonging to the network maintained by Finavia.

Finavia takes the initiative for changing charges, goes through the consultation process with users and the final decision is made by Finavia board. There are two national laws that define the rights and obligations for Finavia to operate: “State Enterprise Act” and “Act on Civil Aviation Administration”. Finavia’s task is to carry out business operations within a scope of airports and their service and other operations that are related to airport business. Specially, Finavia’s task is to improve and develop aviation to maintain and develop state owned airport network for civil and military aviation needs.

Charges setting procedure and these laws together enforce Finavia to operate in a cost-efficient manner.

Special tasks for Finavia is to provide public services and thus take care of:

- 1) economically unprofitable parts of state's airport network;
- 2) airport for training purposes; and
- 3) SAR services and other public services that are decided by Finnish parliament.

### **Air navigation services**

“Finavia is a state owned commercial enterprise. There are two air navigation centres belonging to the network maintained by Finavia.

Finavia's task is to carry out business operations within a scope of ANS services and other operations that are related to air traffic. Specially, Finavia's task is to improve and develop aviation:

- 1) maintain and develop Finnish ANS for civil and military aviation needs; and
- 2) give ANS services in the airspace that is on Finland’s responsibility.

Charges setting procedure and these laws together enforce Finavia to operate in cost-efficient manner.

Special tasks for Finavia is to provide public services and thus take care of:

- 1) economically unprofitable parts of state's airport network,
- 2) ANS services for training purposes
- 3) SAR services; and
- 4) give ANS services in the airspace that is on Finland’s responsibility.
- 5) other public services that are decided by Finnish parliament.

In addition, Finavia is obligated to follow the SES (Single European Sky) Charging Scheme as Finland is a member of EU.”

**FRANCE**

SOURCE DATED: 26 APRIL 2004.

**Airports**

“In France, it is the airport operators, which are autonomous authorities, that are responsible for setting the rates of the charges, according to a procedure defined by the regulations.

The principles applied for the setting of these charges are in accordance with those developed in ICAO’s Policies on Charges for Airports and Air Navigation Services.

In particular, the draft tariff decisions are the subject of consultations with the airport users.

The aeronautical charges are also submitted for the approval of the governmental authorities.

During the setting of these charges, the objective is to ensure, taking into consideration the contribution of non-aeronautical revenues, reasonable remuneration for the airport operators, as well as balanced funding of the investments and service quality levels required, while taking into account the economic situation of the air transport industry.”

**Air navigation services**

- “a) France participates in the charging system established by the EUROCONTROL Member States and has therefore adopted the policy shared by these States in this field, the fundamental principle of which is that the use of route air navigation facilities requires payment for services provided;
- b) France, like the other States charging under the system, has used the cost forecasts for the year concerned as the basis for calculating the yearly rate for charges. The unitary rate is expressed in EURO; and
- c) In French overseas departments and territories, no charges are levied for the use of route air navigation facilities. The implementation of a route charge system in these areas is not currently envisaged.”

The following regulatory texts shall apply:

Principles for establishing the route charge (EUROCONTROL Doc. N°99.60.01);

Conditions of application (EUROCONTROL Doc. N°04.60.02).

**Terminal Charge**

“A charge for air traffic terminal services is levied by the French Administration. It is applicable at those airports having the greatest volume of commercial activity and is calculated on the basis of the aircraft’s maximum take-off mass.

The following regulatory text shall apply :

Civil Aviation Code (Articles R 134-4 et R 134-6);

Order of 16 April 1996.

A complete air navigation charges user guide is available in the professional area of the DGAC internet web site ([www.aviation-civile.gouv.fr](http://www.aviation-civile.gouv.fr)).”

COMMUNICATION: 26 AVRIL 2004

**Aéroports**

«En France, ce sont les exploitants d’aéroports, qui sont des autorités autonomes, qui sont chargés de la fixation des taux des redevances, selon une procédure définie par la réglementation.

Les principes appliqués pour la fixation de ces redevances sont conformes à ceux développés dans la politique de l'OACI sur les redevances d'aéroport et de services de navigation aérienne.

En particulier, les projets de décisions tarifaires font l'objet d'une consultation des usagers de la plate-forme.

Les redevances aéronautiques sont par ailleurs soumises à l'approbation des autorités gouvernementales.

L'objectif lors de la fixation de ces redevances est d'assurer, compte tenu de l'apport des recettes extra-aéronautiques, une rémunération raisonnable des exploitants d'aéroport ainsi qu'un financement équilibré des investissements et des niveaux de qualité de service requis, tout en prenant en compte la situation économique de l'industrie du transport aérien.»

COMMUNICATION: 5 AOÛT 2008

### **Aéroports**

Les politiques et pratiques sur les redevances d'aéroport se trouve dans le Code de l'aviation civile (<http://www.legifrance.gouv.fr/>):

«Article R224-2 – Modifié par Décret N° 2005-827 du 20 juillet 2005 – art. 1 JORF 22 juillet 2005

Article R224-2-2 – Modifié par Décret N° 2005-827 du 20 juillet 2005 – art. 1 JORF 22 juillet 2005

Article R224-3-1 – Modifié par Décret N° 2005-827 du 20 juillet 2005 – art. 1 JORF 22 juillet 2005

Ainsi que dans le *Journal Officiel de la République française* du 23 septembre 2005, Arrêté du 16 septembre 2005 relatif aux redevances pour services rendus sur les aérodromes

([http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=F2D80D076DD4CFB26ECCAE720EF0E653.tpdjo15v\\_3?cidTexte=JORFTEXT000000260287&dateTexte=&oldAction=rechJO#JORFARTI000001874579](http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=F2D80D076DD4CFB26ECCAE720EF0E653.tpdjo15v_3?cidTexte=JORFTEXT000000260287&dateTexte=&oldAction=rechJO#JORFARTI000001874579)).

La supervision économique est assurée conjointement par les ministres chargés de l'aviation civile (direction générale de l'aviation civile) et de l'économie (direction générale de la concurrence, de la consommation et de la répression des fraudes), les tarifs des redevances aéronautiques doivent être modifiés par l'exploitant aéroportuaire à ces ministres pour homologation au plus tard quatre mois avant leur entrée en vigueur (ce délai est ramené à trois mois lorsqu'un contrat de régulation économique a été conclu).»

### **Services de navigation aérienne**

«Les politiques et pratiques appliquées en matière de perception de redevances de services de navigation aérienne se trouve au site

[http://www.eurocontrol.int/crco/gallery/content/public/docs/circulars/princ\\_doc\\_07\\_60\\_01\\_fr\\_oct2007.pdf](http://www.eurocontrol.int/crco/gallery/content/public/docs/circulars/princ_doc_07_60_01_fr_oct2007.pdf).

La DSNA (Direction des Services de Navigation aérienne), principal fournisseur de services de la navigation aérienne pour l'espace aérien français, est totalement intégrée à l'administration française tout étant soumise à une supervision économique.

En 2005, la réforme de l'aviation civile française a séparé fonctionnellement au sein de la DGAC (Direction générale de l'Aviation civile) les fonctions de prestataire de services, de régulation et de surveillance. Précisément, la supervision économique est assurée par le Ministère du Budget, des comptes publics et de la fonction publique.

Depuis 2006, une nouvelle loi organique réformant les finances publiques (LOLF) a transformé la façon d'adopter le budget, de l'exécuter et de le contrôler. Le budget comprend les crédits et les dépenses ainsi que le projet annuel de performance qui sont définitivement approuvés par le Parlement.

La DSNA est engagée dans une démarche de pilotage de la performance par objectifs avec des indicateurs qui couvrent l'essentiel des domaines de la navigation aérienne: sécurité, environnement, retard et performance économique.

Enfin, la DSNA peut être contrôlée par la Cour des comptes et le compte du prestataire de service navigation aérienne est certifiée chaque année par l'agent comptable du budget annexe de la DGAC.»

**GAMBIA**

SOURCE DATED: 2 AUGUST 1982.

“Airport charges in the Gambia are under continuous review, the basic consideration being a need to strike a balance between increased revenues and the encouragement of tourist traffic.”

**GEORGIA**

SOURCE DATED: 27 JUNE 2008

**Air navigation services**

The Georgian government’s policy regarding paragraphs 38, 39, 40 and 41 is open pricing. Economic oversight function is not carried out.

**GERMANY**

SOURCE DATED: 27 JUNE 2001.

**Airports**

“German airports are organized as private-law entities. Their charges regulations need to be authorized by the competent aviation authorities of the individual “Lander”.”

**Air navigation services**

“Germany applies the EUROCONTROL principles for establishing the cost base for route facility charges and the calculation of the unit rates on the ground of national legislation. (FS Strecken - Kostenverordnung, 14.4 of 1984). According to “Luftverkehrsgesetz Para. 32 (4) Nr 6a” charges for air navigation services are regulated.”

SOURCE DATED: 3 JULY 2008.

**Airports**

“§43a. Abs. 1, Regulation on air transport licenses (LuftVZO): “The airport operation of commercial airports provisions of charges for take-off, landing and parking of aircraft as well as for the use of kerosine stations to the regulator for approval before operation commence”.

The economic oversight function is carried out by the aviation authorities of the German federal states (Landesluftfahrtbehörden) under statutory supervision of the Federal Ministry of Transportation (BMVBS). The oversight function of the aviation authorities includes the approval of charges. The approval process is based on ICAO recommendations laid down in Doc 9082.”

**Air navigation services**

“Full cost recovery is on the basis of:

- ICAO’s *Manual on Air Navigation Services* (Doc 9161),
- ICAO’s *Policies on Charges for Airports and Air Navigation Services* (Doc 9082)
- EUROCONTROL principles for establishing the cost base for route facility charges and the calculation of the unit rates;
- Regulation (EC) No. 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision of air navigation services in the single European sky (the service provision Regulation);

- Commission Regulation (EC) No. 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services; and
- German Aviation Act “Luftverkehrsgesetz.

Legal and functional supervision by the Federal Ministry of Transport, Building and Urban Affairs (MoT).”

## **GHANA**

SOURCE DATED: 17 MARCH 1999.

“All charges are subject to review from time to time as circumstances require and they would be adjusted, if necessary, to correspond to changes to cost level, expenditure on investment and actual services provided.”

## **GRENADA**

SOURCE DATED: 11 MAY 1999.

“Airport charges levied in Grenada will be reviewed from time to time, the fundamental consideration being the need to recover cost of providing and maintaining the facilities.”

## **GUATEMALA**

SOURCE DATED: 28 AUGUST 1984.

“The Government of Guatemala will adjust its airport charges whenever it is considered necessary to ensure that it obtains sufficient revenue to perform its aeronautical functions and continues to provide an acceptable quality of services for users.”

## **GUYANA**

SOURCE DATED: 2 JULY 2008.

### **Airports**

“There is no written State policy on airport charges; however, charges are in accordance with Doc 9082 as set out by the International Civil Aviation Organization. The airport is a separate semi-autonomous government entity. The Minister of Transport and Hydraulics is responsible for the development and operation of the airport.

Economic oversight is conducted by the Government of Guyana through the Minister of Transport and Hydraulics with assistance from the Guyana Civil Aviation Authority.”

### **Air navigation services**

The State’s policy is in accordance with Doc 9082 as set out by the International Civil Aviation Organization. The air navigation services is not operated by a separate entity but as a separate division of the Guyana Civil Aviation Authority.

Economic oversight is being done by the Directorate of Air Transportation and Management and the Directorate of Finance and Administration.”



**HAITI**

SOURCE DATED: 5 MAY 1998.

“...OFNAC’s general policy with regard to charges is aimed at recovering the expenses incurred for the installation and maintenance of new equipment, and these charges are subject to revision in order to adjust the costs to eventual receipts.”

**HUNGARY**

SOURCE DATED: 24 MAY 2001.

“All charges are subject to review from time to time as circumstances require and they will be adjusted, if necessary, to correspond to changes in the cost level, in accordance with ICAO’s Principles.”

**ICELAND**

SOURCE DATED: 20 SEPTEMBER 1976.

“The policy of Iceland with respect to charges for airports and route air navigation facilities is based on Article 15 of the Chicago Convention, the principles and recommendations promulgated by the ICAO Council as set forth in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082) and the *Agreement on the Joint Financing of Certain Air Navigation Services in Iceland* (Doc 9586). The charges are periodically reviewed and subject to amendments and additions.”

SOURCE DATED: ICAO COUNCIL, 170TH SESSION, 7TH MEETING, 17 NOVEMBER 2003.

All civil aircraft crossing the North Atlantic North of 45° N will be charged per crossing for the use of facilities provided under the *1956 Agreement on the Joint Financing of Certain Air Navigation Services in Iceland as Amended by the Montreal Protocol of 1982* (Doc 9586).

Two-thirds of the charge will be levied on flights between Greenland and Europe, Iceland and Canada, and Iceland and the United States. One-third of the charge will be levied on flights between Greenland and Canada, Greenland and the United States, Greenland and Iceland, and Iceland and Europe. One-third of the charge will also be levied on a crossing to or from Europe or Iceland which does not cross the coast of North America but crosses the meridian of 30° West North of the 45th parallel North. The United Kingdom will collect the charge on behalf of Iceland.

The charge will be levied in pounds Sterling.

The United Kingdom is entitled to add an administrative fee not exceeding 5 per cent of the user charge itself.

With effect from 1 January 1993 an ICAO administrative fee is being added to the combined Danish and Icelandic user charge per single aircraft crossing.

**INDIA**

SOURCE DATED: 13 JUNE 2002.

**Airports**

“The Airports Authority of India is required to obtain approval of the Government for the charges and any revision thereof.”

SOURCE DATED: 18 SEPTEMBER 2008.

### **Airports**

“Landing charges, parking charges and housing charges are the charges generally levied at Indian airports. There are separate set of rates applicable to ‘domestic’ and ‘international’ flights at ‘international airports’ and ‘domestic airports’. The levies are commensurate with the cost of infrastructure and services at the airports.

Five airports namely, Kochi, Delhi, Mumbai, Bangalore and Hyderabad are being operated by public private entities. The economic oversight in respect of all airports in the country is carried out by the Government of India. However, the Government is now in the process of establishing an autonomous economic regulator viz., Airport Economic Regulatory Authority of India.”

### **Air navigation services**

“In terms of State Laws, the air navigation services are an exclusive domain of Airports Authority of India (AAI). AAI charges for communication, navigation, surveillance and air traffic services in the Indian airspace in the form of Route Navigation Facility Charges (RNFC) and Terminal Navigation Landing Charges (TNLC). The charges are based on ICAO’s cost recovery principle and are commensurate with the cost of infrastructure and air navigation services for approach and aerodrome aircraft operations.

AAI is a statutory corporation created by an Act of Indian Parliament. Economic oversight in respect of air navigation services charges is also carried out by the Government of India. The proposed economic regulatory authority for airport sector viz., Airport Economics Regulatory Authority of India would be the economic regulator for air navigation services as well.”

## **INDONESIA**

SOURCE DATED: 27 JULY 2008.

“In providing route air navigation facility service for the operators, the Indonesia government spends a great deal of money for the investment of the equipment and operating cost; and part of the above-mentioned spending should be borne by the operators concerned.

Charge allocation is based on the cost accounting, however, at the present time the Indonesia Government has only implemented partly to recover from actual cost.

Charge system is based on ICAO’s Policies on Charges for Airport and Air Navigation Services (Doc 9082). The factor influencing the charge are distance flown and aircraft weight.”

## **IRAN (ISLAMIC REPUBLIC OF)**

SOURCE DATED: 22 JULY 2008.

### **Airports**

“The rate of the airport charges (take-off/landing charge, parking charge, security, etc.) at airports of Iran are approved by the government. The airport charges are adjusted every three years according to the policy set out by the government. At present time, the cost study by Iranian Airports Company is still in progress and upon its completion the amount of the aeronautical and airports charges are likely to change to some extent.

The system for the imposition of charges is simple and suitable : it does not discourage the use of premises and services, and makes no distinction between local and international users who serve international traffic. The charge is determined according to the aircraft weight. The charge will be levied in local currency or U.S. dollar. A new computerized accounting system is to be used in the near future in order to make the calculation and collection of charges easier.”

**Air navigation services**

“Air navigation services are an essential factor for the safe and regular development of air transportation. Their quality and infrastructure must therefore respond to the demand for services. The aeronautical charges are also submitted for the approval of the government. The charges are subject to revision every three years for the purpose of taking into account development in the field of aeronautical services.

The minimum charge for international traffic, as set out by the government is 50 USD and, is determined according to the aircraft weight, type, and distance flown. However, Iran has charged for air navigation services from domestic flights in proportion with 23% of international flights.”

**IRELAND**

SOURCE DATED: 7 MARCH 2000.

“Ireland adheres to the ICAO cost/charging principles that define a system under which States establish a basic cost recovery system for air navigation services and ensures that its charges are simple, equitable, non discriminatory and reasonable.”

SOURCE DATED: 8 JULY 2008.

**Airports**

“The Commission for Aviation Regulation sets a price cap for airport charges at Dublin airport and aviation terminal service charges at Cork, Dublin and Shannon airports. This Commission was established in February 2001 following the coming into force of the Aviation Regulation Act 2001. This Act was subsequently amended by the State Airports Act 2004.

These two Acts set out the Commission’s functions and obligations. Copies of both Acts are available on the Commission’s website (<http://www.aviationreg.ie>).

The Commission’s policies and practices generally accord with the principles set out in paragraph 22 of ICAO’s Policies on Airport Charges.

As regards other smaller airports that are not subject to regulation by CAR, the structure of the charges and the amounts levied vary between airports taking account of the airports’ assessment of commercial sustainability.”

**Air navigation services**

The State’s policy is to “apply ICAO’s policies on air navigation services charges supplemented, where appropriate, by the EUROCONTROL Charging Principles.”

**ISRAEL**

SOURCE DATED: 5 AUGUST 1977.

“We have no specific charging policy, but fees and charges are changed when either the cost of living index rises significantly, or when new investments cause rising airport upkeep.”

**ITALY**

SOURCE DATED: 3 JUNE 1981.

“... the flag carriers operating domestic and international services are subject to payment of the landing, take-off, parking and hangar charges.”

“... The charges are subject to revision every two years for the purpose of taking into account tariff policy provisions, and developments in the field of airport costs and services.”

SOURCE DATED: 22 MAY 2001.

“Italian policy for air traffic charges shall conform to the provision of the *Convention on International Civil Aviation* and is based on the whole recovery of the costs born and a reasonable return on capital.

Source of Law:

Law no. 575, year 1995, establishes the accession of the Italian Republic to the EUROCONTROL International Convention and to the Multilateral Agreement for the collection of route charges. Since the 1.1.1997 route charges are billed and collected through the EUROCONTROL – Central Route Charges Office on behalf of ENAV (national ATM/ATS provider).

Decree n. 83 T, year 1998, authorised ENAV from 1.1.1999 to entrust EUROCONTROL with the calculation, billing and collection of the Terminal charges on the Italian airports open to civil air traffic.”SOURCE DATED: 4 July 2001.

### **Airports**

“ENAC (Ente Nazionale per Aviazione Civile) has been designated as the regulatory authority for Italian airport charges, to ensure that the monopoly power of the airports is not abused.

The resolution of CIPE (Comitato Interministerale per la Programmazione Economica) established in August 2000, that airports (all Italian airports are operated by autonomous entities) should have provided to ENAC adequate sets of accounts, by cost centers, to justify the current charges and fees and the motivation for any revision.

The resolution is still not applied, consequently the current charges and fees are not cost related and have been set without any transparency, with any contributions from non aeronautical revenues and no regulation to monitor the level of service provided by the airports.”

### **Air navigation services**

“Italy follows the EUROCONTROL principles in setting air navigation services charges.”

## **JAMAICA**

SOURCE DATED: 19 JUNE 2001.

“In April 1978 a policy was adopted for the partial recovery of costs attributable to the provision and operation of aerodrome and airspace facilities and services. En-route and terminal charges are based on the provision of Navigational Aids and Air Traffic Services and are collected by the Civil Aviation Authority. AFS/AFTN communication charges are collected by AEROTEL Ltd., a subsidiary of the Civil Aviation Authority which provides these services.”

## **JAPAN**

SOURCE DATED: 7 APRIL 1999.

“It is the policy of Japan that charges both for airports and air navigation facility comply with Article 15 of the *Convention on International Civil Aviation*. Japan further endeavours to maintain conformity with *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082). All charges are subject to review from time to time as circumstances require.”

## **JORDAN**

SOURCE DATED: 2 JUNE 2008.

### **Airports**

“Jordan CARC policies on airport charges are:

- 1) collected as per maximum permissible take-off weight for the aircraft, as indicated in the Certificate of Airworthiness;
- 2) not charged for the facilities and services that aircraft operators and other airport users do not use;
- 3) only facilities and services in use by international air services and are included for facilities and premises exclusively leased or occupied; and
- 4) the proportion of costs allocated to various categories of users are determined on an equitable basis, so that no users shall be burdened with costs not properly allocated to them according to sound accounting principles.

All airports are Government owned. Amman Airport is operated by the Government, Queen Alia International Airport is operated by the private sector, and King Hussein International Airport/Aqaba is operated by a Governmental Company.”

### **Air navigation services**

“Jordan CARC policies on air navigation services charges are:

- 1) collected according to the maximum permissible take off weight for the aircraft, as indicated in the Certificate of Airworthiness;
- 2) the costs taken into account are assessed in relation to the facilities and services;
- 3) the costs of air navigation services provided during approach and aerodrome phases of aircraft operations are identified separately; and
- 4) the charging authority recovers less than full costs.”

## **KENYA**

SOURCE DATED: 14 MAY 1992.

“A new Airport Authority has been established under a separate Act of Parliament which came into being with effect from 31st May 1991. Under this Act, the Authority has been empowered to fix the charges for airport services with the approval of the Minister in charge. The Authority will follow the ICAO's policy guidelines on airport charges vis-a-vis the cost basis for recovery of charges.”

SOURCE DATED: 25 JULY 2008.

### **Airports**

Policies set out in paragraphs 22 and 23 of Doc 9082 are “practiced but is not contained in a policy. The recovery of costs is the basis for developing the charges but recovery is below 100% of costs.

The airports authorities are operated by an autonomous Government Corporation. Economic oversight in terms of charges is provided by the Government through the Ministry of Transport which approves all the tariffs.”

### **Air navigation services**

“The practices is as contained in the ICAO policy document but there is not a written policy. ICAO policy provides the guideline. Recovery is based on cost recovery for air navigation services charges and recovery level is below 100%.

Air navigation services are provided by an autonomous state corporation (Kenya Civil Aviation Authority) which is also responsible for providing oversight in the industry. As a result economic oversight on the air navigation service provider is regulated by the regulatory arm of the same organisation KCAA.”

## **KUWAIT**

SOURCE DATED: 17 JULY 2002.

“Airport and air navigation facility charges are revised when it is necessitated, with due regard to ICAO guidance concerning airport and aviation charges.”

**KYRGYZSTAN**

SOURCE DATED: 27 MARCH 2000.

“The Air Transport and Airspace Use Department of the Kyrgyz Republic invariably follows the ICAO recommendations and principles in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082).”

**LAO PEOPLE’S DEMOCRATIC REPUBLIC**

SOURCE DATED: 30 JUNE 2008.

**Airports**

“In addition to paragraphs 22 and 23 of Doc 9082, the Government’s policies have also been considered to cover:

- actual expenses on system investment;
- operating and maintenance costs;
- system operational standard; and
- to upgrade system in connection with the international standard and recommended practices.

All airports are under DCA operation.”

**Air navigation services**

“In addition to paragraphs 38 to 41 of Doc 9082, the Government’s policies have also been considered to cover:

- actual expenses on system investment;
- operating and maintenance costs;
- system operational standard; and
- to upgrade CNS/ATM systems in connection with the international standard and recommended practices.

All air navigation services are under DCA operation.”

**LIBYAN ARAB JAMAHIRIYA**

SOURCE DATED: 19 DECEMBER 1979.

“The objective of the General Charging Policy is to make the users of the airports responsible for the costs of the facilities and operations expenses.

The scale of charges is based on this principle with an ultimate plan for airports to be commercially viable.”

SOURCE DATED: 14 JUNE 2001.

“... the charging policy for air navigation services is based upon the cost of providing such services, taking into account the following factors:

1. Increases in the cost of facilities and equipment.
2. Insuring the availability of the services provided and improving their quality.
3. Promoting airport development and upgrading.

In accordance with Article 15 of the *Convention on International Civil Aviation* and pursuant to ICAO’s recommendations and taking into account the aforementioned factors, the current charges have been adjusted.”

## LITHUANIA

SOURCE DATED: 3 JULY 2008.

### Airports

“Determination of cost basis for airport charges is in conformity with the principles set out in paragraph 22 of ICAO’s *Policies on Charges for Airports and Air Navigation Services* (Doc 9082). Exemptions of state aircraft flights from airport charges are fully reimbursed by allocations from the State budget.

Provisions on airport charges were determined by the Aviation Law. Maximum rates for the use of airports were set up in the Resolution of the Government (No. 101 of 23 January 2001 with the latest adjustment of 31-10-2007) for aircraft landing, parking, “follow me”, security and “departing passenger” services. Different landing charges applicable concerning aircraft with certified MTOW less than 2 metric tonnes, and 2 metric tonnes and above. The latter charge is calculated multiplying the maximum certificated take-off weight of aircraft by the applicable rate. Parking charge is calculated per day as 10% of landing charge and is free for parking less than 3 hours. Security charge is 10% of landing charge. “Follow me” charge has a fixed rate.

All airports in Lithuania are the state enterprises. Ministry of Transport and Communications, in compliance with laws, forms the policy on tariffs for services and charges for the use of infrastructure. The Ministry, within its competence, control activities of entities and shall require eliminations in case of violations. The Ministry designates representatives in the management boards of the airports.”

### Air navigation services

“Since 1st September 2006 Lithuania is a member of EUROCONTROL with accession to the Multilateral Agreement relating to Route Charges. On 1st January 2008 Lithuania was technically integrated into the Multilateral Route Charges System.

Principles applied for setting cost basis for air navigation services and allocation of costs of air navigation services among aeronautical users are in conformity with the principles set out in paragraphs 38, 39, and 40 of ICAO’s Policies, and with the Eurocontrol document No 07.60.01. Exemptions from air navigation charges are fully reimbursed by allocations from the State budget.

Provisions on air navigation charges were determined by the Aviation Law stipulating that rates of en route and terminal charges, their payment and use procedure shall be established in accordance to the Commission Regulation (EC) No 1794/2006 and the Multilateral Agreement relating to Route Charges. Resolution of the Government (No 101 of 23 January 2001, with the latest adjustment of 31-10-2007) defines that in more detailed. Eurocontrol document No 07.60.02 “Conditions of Application” was published in Official Gazette and applicable by the Order of the Minister of Transport and Communications.

Air navigation service provider is a state enterprise. The Ministry of Transport and Communications of the Republic of Lithuania, in compliance with laws, forms the policy on tariffs for services. The Ministry, within its competence, control activities of entity and shall require eliminations in case of violations. The Ministry designates representatives in the management board of the ANSP.”

## LUXEMBOURG

COMMUNICATION: 30 JUIN 2008.

«Le régime de redevances aéroportuaire ne répartit pas les redevances en fonction des coûts imputables à l’ensemble des différents usagers, puisque les aéronefs opérés pour les besoins gouvernementaux et les aéronefs militaires sont exclus du régime de redevances aéroportuaires.»

Le texte détaillé sur le régime des redevances terminales et aéroportuaires à l’Aéroport de Luxembourg se trouve au site <http://www.aeroport.public.lu/fr/taxes/taxes.pdf>.

## **Aéroports**

«La supervision économique (dans le sens du contrôle d'économicité des dépenses) est assurée par plusieurs moyens pour l'exploitant aéroportuaire.

Tout d'abord, par ses organes de décision interne (l'État est à 100% actionnaire de l'exploitant aéroportuaire. Ensuite elle est aussi assurée par les dispositions contractuelles liant l'exploitant à l'État prévoyant notamment l'approbation annuelle des investissements prévus et l'approbation annuelle du budget en matière de sûreté. Ce contrat autorise ainsi le pouvoir de contrôler ou de faire contrôler la gestion de la société.»

## **Services de navigation aérienne**

«La supervision économique (dans le sens d'économicité des dépenses) est assurée par plusieurs moyens pour le prestataire de services de navigation aérienne, qui est organisé sous la forme d'un service de l'État à gestion séparée depuis le 1er janvier 2008.

Tout d'abord, la supervision économique est assurée par les règles de contrôle budgétaire et comptable concernant le volet faisant l'objet de la dotation budgétaire. En ce qui concerne le volet qui doit se financer par des redevances afférentes le Ministère des Transports assure cette supervision par le biais de modalités de contrôle interne qu'il a établi.»

## **MADAGASCAR**

SOURCE DATED: 31 MAY 2001.

“With a view to ensuring the continuity and improvement of the services provided and to promote airport development, charges will be adjusted in order to cover progressively the costs related to the provision of the facilities (in the form of investment and operating charges).”

COMMUNICATION: 14 AOÛT 2008.

## **Aéroports**

Les politiques et pratiques appliquées concernant les coûts qui serviront de base au calcul des redevances et des systèmes de redevances d'aéroport se trouvent dans:

«1737/91 du 27 mars 1991  
6306/01 du 23 mai 2001  
8212/02 du 10 décembre 2002  
18835/06 du 2 novembre 2008  
12893/07 du 3 août 2007.

La fonction de supervision économique est remplie par l'ADM (Aviation Civil de Madagascar).»

## **MALAWI**

SOURCE DATED: 23 APRIL 1996.

“As far as the national charging policies are concerned we, as far as practicable, comply with the recommendations in Doc 9082 (*ICAO's Policies on Charges for Airports and Air Navigation Services*). Airport charges are kept under constant review and adjustments made from time to time.”



**MALAYSIA**

SOURCE DATED: 17 MAY 2002.

**Airports**

“The national economic regulation is carried out by issuing licence to Malaysia Airports Holding Berha (MAHB), the airport authority, and the airport charges are imposed to all operators by MAHB in accordance with Civil Aviation Regulation (MCA) 1996 and Civil Aviation Act. CAA/1969.”

**Air navigation services**

“Air navigation services charges are imposed to all operators by the Department of Civil Aviation Malaysia in accordance with Civil Aviation Regulation (MCA) 1996 and Civil Aviation Act. CAA/1969.”

SOURCE DATED: 5 AUGUST 2008.

**Air navigation services**

“Refer to Aeronautical Information Publication (AIP) Malaysia under paras GEN 4.2-1 and GEN 4.2-2 <http://aip.dca.gov.my/>.”

There is not an autonomous entity carrying out economic oversight function.”

**MALDIVES**

SOURCE DATED: 8 JULY 2001.

“The policy on levying of airport charges including air navigation charge depends on the cost of providing the service and are reviewed from time to time.”

SOURCE DATED: 29 JUNE 2008.

**Airports**

“The cost of operation is apportioned among international and domestic users and recovered through various charges with very low mark-up. Pricing policy is to compete with other similar airports and attract traffic by offering low user charges.

All international airports are operated by Government entities. Consultations are held with Civil Aviation Department and discussions held amongst stakeholders in advance before any change to the charging system.”

**Air navigation services**

“Pricing policy is to attract traffic by offering low user charges.

The air navigation service is provided solely by a Government entity. Consultations are held with Civil Aviation Department and discussions held amongst stakeholders in advance before any change to the charging system.”

**MALTA**

SOURCE DATED: 29 MAY 2002.

**Airports**

“It is known that airfield charges do not cover the cost of operating the airfield ground services. The deficit is made good by revenues from the passenger service charge. The State presently does not carry out economic regulation but it plans to do so in the near future.”

**Air navigation services**

“The State follows the EUROCONTROL principles in setting air navigation services charges.”

SOURCE DATED: 7 JULY 2008.

**Airports**

“Airport charges are cost based. Airport charges are published by the airport operator and are equally applied to all aircraft operators. Increases in airport charges are regulated by the Airport Economic Regulations, 2001.”

**Air navigation services**

“As a Member-State of the European Union, Malta’s air navigation charges are regulated by Commission Regulation (EC) No. 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services.

There is no economic oversight of air navigation services.”

**MAURITANIA**

SOURCE DATED: 6 NOVEMBER 1983.

“Mauritania is an ASECNA Member State and accordingly its charging policy is similar to that of the other Member States such as Senegal, the Côte d’Ivoire, etc.”

**MAURITIUS**

SOURCE DATED: 8 JUNE 2001.

“Charges are reviewed at approximately 3-year intervals to keep pace with the cost of providing and maintaining facilities.”

SOURCE DATED: 30 JUNE 2008.

**Airports**

“Aeronautical charges are regulated by the government. The aeronautical charges are published in the government notice.”

**Air navigation services**

“The policy applied to charges levied for air navigation services is to recover cost of providing the services and to provide a reasonable return on investment to cater for necessary capital investments in respect of upgrading of facilities and planned replacement of equipment.

Air navigation services is operated by the Department of Civil Aviation.”

**MEXICO**

SOURCE DATED: 23 APRIL 2002.

“The decentralized public agency Aeropuertos y Servicios Auxiliares is one of the parties in charge of the management of airport infrastructure, thus it is extremely important for said agency to achieve a sound, profitable financial operation by means of a suitable level of tariffs, which take into account the global policy of maintaining a fair price and tariff structure on the assets and services of the Public Federal Administration, which may enable to cover the cost of services as well as the needs and several other factors that affect the rendering of services, besides avoiding the use of subsidies.

As regards to the management of licensed airports, it is worth mentioning that “Tariff Regulation Bases” are currently being applied in aerodromes that are part of the Grupo Aeroportuario del Sureste S.A. de C.V., Grupo Aeroportuario del Pacífico S.A. de C.V. and Grupo Aeroportuario Centro – Norte S.A. de C.V., while Grupo Aeroportuario de la Ciudad de México S.A. de C.V. shall continue to apply a tariff system similar to that of the ASA, as long as it does not lose its semi-public company status.

The Maximum Joint Tariff is an essential part of the applicable regulation; this tariff takes into account an objective yield rate on capital investments made, projections on traffic units, operational costs and expenses, capital investments and the compliance with certain service standards. Said tariff shall undergo annual adjustments based on efficiency and will be automatically updated to reflect the accrued inflation.

Therefore, the economic regulatory principles recommended by ICAO are applied in the operation of airports that are part of the national airport network.

In Mexico, the decentralized agency Servicios a la Navegación en el Espacio Aéreo Mexicano (SENEAM) is the federal agency empowered to provide air navigation services for civil aviation.”

SOURCE DATED: 19 JUNE 2002.

“The operation of air navigation services in Mexico is the responsibility of the State through an autonomous entity of the Secretariat of Communications and Transport, called Servicios a la Navegación en el Espacio Aéreo Mexicano (SENEAM).

The air navigation services charges are duly regulated in a detailed schedule in the Federal Charges Act which is reviewed annually jointly with the users, SENEAM and the tax authority, with it being finally approved by the Congress of the Union.

SENEAM sought a modern methodology for its cost accounting and found that activity based costing (ABC) proved to be the appropriate methodology to control, identify and describe the costs, in a schedule of transparency, that provides all the economic data required to determine the basis for the charges.

There was also an effort to maintain a high level of quality and availability in the provision of the air navigation services, by establishing and applying performance parameters and management indicators that make it possible to support the investment decisions for the modernization and expansion of the capacity of the infrastructure installed.

The data on performance in the provision of the services, such as availability, flexibility, efficiency, safety and delay, were evaluated with users so that the infrastructure met the operational requirements.

Air navigation services are an essential factor for the safe and regular development of air transport. Their quality and infrastructure must therefore respond to the demand for services.

The charges for these services, following ICAO’s policy, must make it possible to recover costs and investments in infrastructure.

An effort has been made in Mexico to offer carriers efficient services with an agreed, transparent and simplified schedule of charges which represents a reduction in the costs for the airlines at this time when they are faced with economic difficulties.”

REFERENCIA: 23 DE ABRIL DE 2002.

“El organismo público descentralizado Aeropuertos y Servicios Auxiliares es una de las partes encargadas de la administración de la infraestructura aeroportuaria, de ahí que resulte de vital importancia para dicho organismo, lograr una operación financiera sana y rentable a través de un adecuado nivel de tarifas, las cuales han tomado en consideración la política global de mantener una estructura de precios y tarifas justas en los bienes y los servicios de la Administración Pública Federal, que permita cubrir el costo de los servicios, así como las necesidades y diversos factores que inciden en la prestación de los mismos, además de evitar el uso de subsidios.

Por lo que se refiere a la administración de los aeropuertos concesionados, cabe destacar que hasta el momento se están aplicando “Bases de Regulación Tarifaria” en los aeródromos que conforman el Grupo Aeroportuario del Sureste. S.A. de C.V. Grupo Aeroportuario del Pacífico S.A. de C.V. y Grupo Aeroportuario Centro – Norte. S.A. de C.V. en tanto que el Grupo Aeroportuario de la Ciudad de México S.A. de C.V. continuará aplicando un sistema tarifario equivalente al de ASA mientras no pierda su carácter de empresa paraestatal.

Parte fundamental de la regulación aplicable los representa la Tarifa Máxima Conjunta, que considera una tasa de rendimiento objetivo sobre las inversiones de capital realizadas, proyecciones de unidades de tráfico, costos y gastos de operación, inversiones de capital y el cumplimiento de estándares de servicio determinados. Dicha tarifa se ajustará anualmente por eficiencia y se actualiza automáticamente para reflejar la inflación acumulada.

Por tal motivo, en la explotación de los aeropuertos que integran la red aeroportuaria nacional se aplican los principios de reglamentación económica recomendada por OACI.

En México el Organismo Desconcentrado Servicios a la Navegación en el Espacio Aéreo Mexicano (SENEAM) es la entidad federal que está facultada para suministrar los servicios de navegación aérea a la aviación civil.”

## **MONACO**

SOURCE DATED: 12 APRIL 2000.

“...With regard to the general policy of the Principality, I would like to specify that the charges are meant to cover the cost of operation and maintenance of the facilities; and are subject to periodic review to take into account the increase in costs.”

## **MOZAMBIQUE**

SOURCE DATED: 24 FEBRUARY 1988.

“I also wish to state that the policy of People's Republic of Mozambique in respect to Airport and Air Navigation fees and charges is on a cost recovery basis. Fees and charges shall be periodically reviewed as circumstances require. Furthermore, I would like to inform that my Administration will endeavour to maintain conformity with the ICAO's *Policies on Charges for Airports and Air Navigation Services* (Doc 9082).”

## **MYANMAR**

SOURCE DATED: 17 MARCH 1992.

“...In accordance with paragraph 18 Doc 9082/3 the consultation had been made with the airlines concerned at Yangon on 3rd and 4th July 1990 and the agreement was made upon. The new tariff charges had been imposed since 01 August 1990 to levy reasonable charges to progressively cover the costs of installation and maintenance consonant with the services provided.”

SOURCE DATED: 30 MAY 2008.

## **Airports**

“Consultation with users (the IATA User Charges Panel) are carried out prior to any revision of charges, in accordance with Doc 9082.

Airports are operated by the Department of Civil Aviation, a State department.”

**Air navigation services**

“Consultation with users (the IATA User Charges Panel) are carried out prior to any revision of charges, in accordance with Doc 9082.

Air navigation services are operated by the Department of Civil Aviation, a State department.”

**NAMIBIA**

SOURCE DATED: 30 JULY 2008.

**Airports**

“At present the required costs are recovered using contributions from non-aeronautical revenues to partly defray the cost base for charges resulting in a hybrid charging and recovery system. This is largely due to the fact that various loss-making regional airports are being maintained and operated for the sake of the larger economy and population making vast areas easily accessible.

The Namibian airports are mostly owned and operated by a state-owned entity known as the Namibian Airports Company Limited with the Government of the Republic of Namibia as the sole shareholder. The State thus acts as a normal shareholder and enlists the services of a board of directors along with a strong management team consisting of a Chief Executive Officer and Corporate Management to operate and manage most Namibian airports.”

**Air navigation services**

“Namibia is aiming to use formulae, which are also accepted, in other countries, which is making use of the distance and weight factor as agreed with the industry. Benchmarking with other countries in the region and airspaces used for the same flights overflying Namibia is done during every tariff negotiation. The funds collected are solely used for the provision of those aeronautical services with a huge contribution from Government side to the operational and capital budgets. It is Namibia’s intention to always adhere to the principles of Paragraph 38 to 41 of Doc 9082 where possible.

Air navigation services are carried out by the State.”

**NEPAL**

SOURCE DATED: 25 FEBRUARY 1981.

“The general guideline followed is that revenues derived from TIA [Tribhuvan International Airport Kathmandu] should be sufficient to a) cover the airport's operating, administrative and financial expenses b) meet repayment of long term indebtedness and c) finance a reasonable proportion of future capital expenditures.”

**NETHERLANDS**

SOURCE DATED: 13 APRIL 1999.

**Airports**

“The tariff policy of the Netherlands Government is based on the principles set forth in the recommendations of the ICAO’s *Policies on Charges for Airports and Air Navigation Services* (Doc 9082).

The Netherlands Government has the intention to charge the users of the airports eventually for the full cost thereof.

With regard to passenger surcharge, the policy is to charge the airlines rather than the passengers. This is the case at Schiphol Airport and Rotterdam Airport.”

## Air Navigation Services

“The Netherlands Government aspires in principle to obtain full recovery of the costs of airport and en-route air navigation facilities.

a) Airport air navigation facility tariff.

On 1 May 1972 a charge was introduced to cover the costs of the airport air navigation services of Schiphol Airport. The levying is in the form of a surcharge on the landing fees.

For Rotterdam, Eelde and Zuid-Limburg Airports the same surcharge is applied as Schiphol Airport (exception: minimum charge).

b) En-route air navigation facility tariff.

On 15 December 1971 an en-route charge was introduced in conformity with the system adopted by all EUROCONTROL Member States. As from 1 January 1984 the charge is based on 100 per cent of the forecast operating cost of the en-route air navigation services for the relevant year.”

SOURCE DATED: 4 JULY 2008.

## Airports

“The economic oversight functions of the Netherlands Government regarding airport charges levied by airport companies generally comply with the principles set out in paragraphs 22 and 23 of Doc 9082.

The regulatory framework regarding the airport charges and conditions of the aviation activities of Amsterdam Airport Schiphol concerns a sector specific application of general competition law. This framework is incorporated in the Dutch Aviation Law Act and came into force on 19 July 2006. The main objective is protection against abuse of dominant position at Schiphol. The framework complies with ICAO’s principles on non-discrimination, transparency and cost relatedness (including a reasonable rate of return) for the aviation activities, and allows for a contribution from the non-aviation activities. The Office of Transport Regulation of the Netherlands Competition Authority (NMa) has been designated as the independent supervisory authority.

According to the current Dutch Aviation Law Act, the airport charges of the regional airports, designated for civil aviation require *ex ante* approval by the Crown. In this context, the Ministry of Transport carries out a limited review, which is based on ICAO’s principles of non-discrimination, cost relatedness and transparency.”

## Air navigation services

“The policies and practices applied to charges levied in the Netherlands for air navigation services generally comply with the principles set out in the paragraphs 38 up to and including 41 of Doc 9082. Furthermore, as of 1st January 2008, both the en route service and the terminal service units have been calculated in line with Regulation 1794/2006. The unit rates and their underlying national costs are in line with the Commission Regulation 1794/2006, while observing the EUROCONTROL principles for establishing the cost base for en route facility charges and the calculation of the unit rates as well as the conditions of application of the route charges system and conditions of payment.

In line with Article 7 of Regulation 1794/2006, the cost of all eligible services, facilities and activities as defined in Article 5 of the Regulation, have been allocated, in a transparent manner, to the charging zones, in which they are actually incurred. Both the en route and the terminal unit rates are based on full cost recovery.

The Dutch en route charging zone covers the whole of the Amsterdam Flight Information Region (FIR). A single cost base and a single unit rate are applicable to this charging zone, except for helicopter flights in specified North Sea areas (to which areas a separate charge is applicable). Maastricht Upper Air Control Centre (MUAC) provides air navigation services (ANS), including meteorological services in the FIR Amsterdam above flight level 245. LVNL (Air Traffic Control the Netherlands) provides ANS (also including meteorological services by KNMI) in the air space outside a radius of 20 km (= 12 nautical miles) around the terminals in the terminal charging zone up to FL 245. The approach services are part of the en route services. On the basis of operational requirements the ANS approach costs are allocated to the en route charging zone. KNMI provides MET services in the FIR Amsterdam.

As of 1st January 2008, all airports controlled by LVNL (Amsterdam Airport Schiphol, Rotterdam Airport, Groningen Airport Eelde, Maastricht Aachen Airport) have been put together into one single group of airports. A terminal charging zone has been established, comprising the airports of this group. A single cost base and a single unit rate are also applicable to this terminal charging zone.

The economic oversight function is carried out by the Dutch National Supervisory Authority in accordance with Article 4 of Regulation 549/2004 of the European Parliament and of the Council of 10th of March 2004 (framework regulation).

In line with the Commission Regulation 1794/2006 LVNL and KNMI organize user consultation meetings both on the en route and terminal charging schemes (costs, unit rates, etc.).”

## **NETHERLANDS ANTILLES**

SOURCE DATED: 5 MARCH 2000.

“The general policy of Princess Juliana International Airport is based on a balance between costs and charges levied for services rendered.”

## **NETHERLANDS – ARUBA**

SOURCE DATED: 5 APRIL 1994.

### **Air navigation services**

“Possibility exists for navigation charges to be charged in the future by the Aruba Department of Civil Aviation, after installation of planned radar equipment.”

## **NEW ZEALAND**

SOURCE DATED: 12 JUNE 2001.

### **Airports**

“New Zealand is of the view that the basis for determining charges for airports and air navigation services should reflect, in so far as possible, the efficient cost of providing services and should endeavour to provide a reasonable rate of return to owners. This will help encourage appropriate level of investment in the civil aviation industry. (...)

Under current New Zealand policy, airports are required to account separately for non-competitive and competitive services, and charges for non-competitive services must be based on the actual cost of those services. In this context, we are of the view that pricing systems should be consistent with the General Agreement on Trade in Services (GATS) and the regulatory systems should encourage efficient pricing by services providers.”

### **Air navigation services**

“The ownership and management of New Zealand’s air traffic and route air navigation facilities (airways services) was devolved in 1986 to an autonomous company (the Airways Corporation of New Zealand Ltd) with a statutory requirement to operate commercially. The provision of aerodrome air traffic control services is contestable, while Airways Corporation of New Zealand currently has a monopoly on en-route services. New Zealand’s international airports are also autonomous companies and some have been partly privatized. The pricing of both airports and airways services is therefore on a commercial basis, but airports are subject to a statutory requirement to consult airline users before setting charges. Airport companies and providers of air navigation services are also subject to New Zealand’s general commercial legislation, including the Commerce Act, intended to provide safeguards against monopoly abuse.”

**NICARAGUA**

SOURCE DATED: 7 AUGUST 1985.

“Our policy as regards the levying of airport charges is in general conformity with the provisions in Doc 9082, (*ICAO’s Policies on Charges for Airports and Air Navigation Services*)

**NIGERIA**

SOURCE DATED: 24 MAY 2001.

“Presently, we have an autonomous Civil Aviation Authority (christened Nigerian Airspace Management Agency) established vide legal instrument entitled Decree No. 48 of 1999. The Agency is a commercialized body vested with powers to charge for Navigational services provided in Nigeria with a view to recoup cost of investment.

Our charging policy is guided by the following:

- a) Cost of service provided;
- b) Cost of equipment installed;
- c) General economy condition of the Aviation industry in our country.

However, all changes are subject to review from time to time in line with the general economy conditions of the Aviation industry.”

SOURCE DATED: 15 JULY 2008.

“Airport pricing is mostly revenue target oriented as a result of focus on meeting budgetted revenue.

The Nigerian Government’s objective is to have a fully commercialized and autonomous airport system with public private participation. All airports in the country except one are government owned, managed and operated by an entity, Federal Airport Authority of Nigeria. However, private-public partnership arrangement has been applied in the construction management and operation of a new domestic terminal in one of the airports. The regulator is setting an economic regulatory mechanism among others to:

- i) ensure compliance with ICAO principles, policies and guidelines on user charges;
- ii) ensure airport efficiency through economic and operational performance measurement; and
- iii) adhere to set service quality standards in line with international best practices.”

**Air navigation services**

“A proper accounting system is yet to be put in place by the air navigation services provider. The Nigerian Civil Aviation Authority has; however, been mandated by national legislation (Civil Aviation Act, 2006) to establish a mechanism for regulating the economics of airports/ANS, which includes ensuring compliance with ICAO’s policies on charges.

The air navigation services provider in Nigeria, the Nigerian Airspace Management Agency (NAMA), is a government-owned entity.”

**NORWAY**

SOURCE DATED: 28 JUNE 2001.

“...Norway's charging policy on civil aviation has the objective of being reimbursed in full for the cost of providing installations and services for aviation purposes to aircraft operators.”



SOURCE DATED: 7 JULY 2008.

### **Airports**

“Establishment of the cost basis is generally in accordance with the ICAO principles, but the airport operator is a limited company owned by the State and is allowed to cross-subsidize between revenue yielding and non-revenue yielding airports. The State also subsidizes non-yielding airports.

The charges are set by a State regulation by the Ministry of Transport and Communication subject to user consultation and public hearing.”

### **Air navigation services**

“Norway is through the EEA agreement committed to the regulation on charging set by the European Union.

The oversight functions are placed with the Civil Aviation Authority (CAA) in Norway as national supervisory authority.”

## **PANAMA**

SOURCE DATED: 20 JANUARY 2000.

“The Republic of Panama informs you that the charging policy of the Directorate of Civil Aviation is as follows: Increases in aeronautical tariffs, fees and charges are based on variations in operating costs, and the revenues generated by such fees and charges are ploughed back into maintaining and investing in systems and facilities which support domestic and international air navigation.

For any adjustment to the fees and charges, account is taken of the ICAO recommendations, whenever this position enables the institution (DCA) to maintain its economic capacity for self-management.”

REFERENCIA: 1 DE AGOSTO DE 2008.

### **Aeropuertos**

“El sistema de imposición de tasas y tarifas aeronáuticas y no aeronáuticas está basado en una serie de resoluciones aprobadas por Junta Directiva, en las cuales hemos iniciado un proceso de actualización, basado en un estudio de costos por producto unitario lo cual ha permitido la actualización de algunas de ellas y éstas continuarán con la implementación de un reglamento de tasas.

Actualmente el principal aeropuerto Tocumen Internacional, es administrado por una empresa estatal con autonomía propia, vigilado económicamente por el Estado y regulado por la Autoridad Aeronáutica Civil.”

### **Servicios de navegación aérea**

“El Artículo 3, numeral 20 de la Ley 22 de 29 de enero de 2003, faculta a la Autoridad Aeronáutica Civil para fijar, cobrar y percibir tasas y tarifas, derechos y rentas que correspondan por los servicios que preste o suministre y por el uso de sus facilidades, previa aprobación de la Junta Directiva, es así que la Resolución 012 de 15 de marzo de 2007, actualizó las tasas de los servicios de navegación aérea.

La Autoridad Aeronáutica Civil es la encargada de la explotación de los servicios de navegación aérea por ende la vigilancia económica esta bajo nuestra responsabilidad aplicando las tasas establecidas.”

## **PAPUA NEW GUINEA**

SOURCE DATED: 21 MARCH 1996.

“Papua New Guinea since attaining independence in 1975 has not had a policy of full recovery of costs properly attributable to the aviation industry for the provision and operation of aerodrome and airways facilities and services.

Following a review on the principles on which costs are allocated this administration has now put in place a new charging system. The new rates and charges which became effective as from 1 July 1993, are levied on the basis of the "user pays" principle to achieve recovery of full annual recurrent costs attributed to international services.

A phased approach towards full recovery of costs has been introduced as follows:

|                |               |
|----------------|---------------|
| 1 July 1993    | 33% Recovery  |
| 1 January 1996 | 66% Recovery  |
| 1 January 1998 | 100% Recovery |

The Papua New Guinea Civil Aviation Aircraft Charges Regulation Chapter 239, as amended provides the basis for aeronautical cost recovery in this country. Charges in accordance with this Regulation are payable in respect of the use by aircraft of aerodromes, air route and airways facilities, meteorological services, security services and search and rescue services maintained.

Papua New Guinea complies with the Chicago Convention and ICAO recommendations in respect of charges on users of airports and route air navigation facilities in so far as they are not contrary to legislation or existing charging practices and/or policies."

## **PARAGUAY**

SOURCE DATED: 23 AUGUST 2004.

"Decree No. 14.229/01 updated the rates for aeronautical services and the tariffs for other resources, with the new tariff structure for domestic and international flights being approved. The charging criteria are based on the harmonization of the economic resources with the requirements, the increasing cost of which make it essential to maintain the purchasing power of the currency as a constant in order to avoid the deterioration of the services committed. Adjustments of the tariff values to international levels has also been taken into consideration."

## **PERU**

SOURCE DATED: 20 JUNE 2002.

As regards to the cost basis for airport charges, "there is no cost system for the setting of airport charges. Charges are set excluding services not rendered. The setting of charges is based on the existing tariffs for the region.

As of 14 February 2001, the operation of airport services at the International Airport Jorge Chavez was the object of a licence in favour of the Lima Airport Partners holding for a term of 30 years, while the management of air traffic remains the responsibility of CORPAC S.A. The control of airport tariffs and charges is the responsibility of the State Regulatory Agency (OSITRAN)."

REFERENCIA: 20 DE JUNIO DE 2002.

Con respecto a la base de costos para fijar derechos aeroportuarios, "no se dispone de un sistema de costos para la determinación de los derechos aeroportuarios. Los derechos se establecen excluyendo los servicios que no se brindan. Para la determinación de los derechos se consideran como base de referencia las tarifas existentes en la Región.

La explotación de los servicios aeroportuarios del Aeropuerto Internacional Jorge Chavez, a partir del 14 de febrero 2001, se encuentra concesionada al Consorcio Lima Airport Partners, por un periodo de 30 años, manteniendo CORPAC S.A. la gestión del tránsito aéreo. La supervisión de las tarifas y derechos aeroportuarios se encuentra a cargo del Organismo Regulador del Estado OSITRAN."

**PHILIPPINES**

SOURCE DATED: 21 MAY 2001.

“It is the policy of the Philippine Government to comply as far as possible with the principles set forth in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082). The factors influencing the charge are distance flown and aircraft maximum take-off weight.

All charges are subject to periodic review in accordance with the financial policies of the government with the end in view of ensuring the continuity and improvement of the equipment, facilities and services provided to users.”

SOURCE DATED: 24 JUNE 2008.

“Generally, the State adheres to the principles set out in Paragraphs 22 and 23. It is, however; the State’s policy to recover investment costs in a long term.

Some airports are operated by government-controlled/owned corporations (GOCC’s) and most are managed and controlled by a national government agency. The State has a direct control over the economic operations of the airports, except for those under the GOCCs wherein they have fiscal monitoring but nevertheless they are still under the State’s supervision.”

**POLAND**

SOURCE DATED: 18 JULY 2001.

“When calculating the rates of charges the appropriate authorities of the Polish Government take, as a leading principle, the need to cover full costs borne by the body administering the airports and air navigation facilities including the costs connected with their modernization.”

SOURCE DATED: 23 JUNE 2008.

**Airports**

According to the text of our State’s policy (Airport charges Regulation from 2004) Airports set the charges under conditions of approval by the President of the Civil Aviation Office of Poland. According to the criteria for the approval, airport charges should:

- 1) ensure easiness of the calculation of the payments;
- 2) enable users to check the correctness of calculated payment;
- 3) ensure to abide by the non-discrimination principle;
- 4) ensure the stability of these charges during the calendar year, except for the justified cases when unexpected events occur influencing the costs of services;
- 5) not discourage users to use airport facility and services;
- 6) consider the profit character of the company and the level of airport charges in other EU countries;
- 7) not cause an increase for users who do not benefit from rebates and discounts;
- 8) the costs on which the calculation of one kind of airport charges is made, cannot at the same time be the basis of calculation of other airport charge. Charges should be calculated on the basis of costs incurred in fiscal year previous to the year in which the change of airport charges is made.
- 9) be cost related and particularly based on: direct operation costs of airport maintenance and exploitation; indirect costs, including administration costs; costs of infrastructure, including amortization; and investments; and
- 10) consider costs of services and facilities essential for the safety and quality of airport operations, in particular, lighting, navigation instruments and rescue services costs.
- 11) Calculation of airport charges may also include the need to finance long-term major investments.
- 12) Calculation of airport charges is based on evidence and division of costs and income related to each category of services for which charges are established.

“The President of the Civil Aviation Office of Poland (CAO) is the central-level regulatory authority responsible for civil aviation. He is responsible for all civil aviation-related matters that are not reserved for the Minister responsible for Transport or other governmental administration authorities.

According to Art. 77.1 of the Polish Aviation Act of 3 July 2002, President of the CAO approves airport charges submitted by the airport operator.

According to Art. 77.3, the President of CAO may refuse to approve any airport charge or order its change in the event that its application should be in contradiction to the rules set out in aviation law or in international agreements and regulations.”

### **Air navigation services**

“Air navigation charges are established and levied in accordance with the European Commission Regulation No. 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services.

Air navigation services are provided by the Polish Air Navigation Services Agency (PANSAs) which is a national legal entity, separated financially and organizationally for any other national bodies. In financial terms, it is independent of the national budget. Supervisory functions are performed by the minister responsible for transport and the President of the CAO.

Economic oversight is carried out using the following measures:

- financial plans of the Agency have to be submitted to the President of the CAO for opinion and after that to the transport minister for final approval;
- financial statements of the Agency have to be submitted to the President of the CAO for opinion and after that to the transport minister for final approval;
- air navigation terminal charges are approved by the President of the CAO; and
- air navigation en-route charges are verified by the President of the CAO and are approved by the EUROCONTROL member states in accordance with the procedure laid down for all EUROCONTROL members.”

## **PORTUGAL**

SOURCE DATED: 26 JULY 2000.

### **Airports**

“The price policy carried out by Portugal considers as a general principle that users of airports shall ultimately bear their full and fair share of service costs, as it is envisaged by ICAO Principles and Recommendations (Doc 9082). However, this policy is based upon an appropriate level of utilization on the available capacity, which is not yet the situation in some Portuguese airports.”

### **Air navigation services**

“Portugal participates in the EUROCONTROL route charges system and has therefore adopted the policy shared by the Contracting States in the Multilateral Agreement relating to route charges, that together with the relevant national legislation has constituted the legal framework for the EUROCONTROL route charges system.

Our principles for taking into account expenditure for route services are based on those described in the ICAO’s *Policies on Charges for Airports and Air Navigation Services* (Doc 9082) and in the relevant ICAO guidance material on cost accounting practice and cost allocation in respect of en route air navigation facilities and services.

In calculating the unit rates, appropriate forecast operating accounts are established whereby the costs for year ‘n+2’ are determined on the basis of available year ‘n’ actual costs updated according to available information, particularly forecasts relating to years ‘n+1’ and ‘n+2’.

With a view to the forecast operating accounting system, provision is made for an adjustment mechanism.”

SOURCE DATED: 3 JULY 2001.

### **Airports**

“Portuguese airports and aerodromes are managed in three different ways:

- a) Mainland and four Azores airports (Ponta Delgada, Santa Maria, Horta and Flores) are managed by a public owned enterprise ANA, SA which runs airport services, and collects airports charges.
- b) Airports of Madeira (Funchal and Porto Santo) are managed by ANAM, SA in the same way as those aforementioned.
- c) The town council and regional government supervise local aerodromes and the remaining airports of Azores, respectively.

The terminal control service in all Portuguese airports is provided by the public enterprise, Navegação Aérea de Portugal, EP (NAV, EP).

All airport and terminal control charges settled in the above mentioned airports and aerodromes have to be analysed and approved by National Institute of Civil Aviation (INAC), before their implementation.

Portuguese legislation rules that the Portuguese Minister for Transport establishes airport and terminal control charges, through governmental decree, for mainland and the four Azores’s airports. The regional governments of Madeira and Azores and the Town Council settle the charges of their respective aerodromes.”

### **Air navigation services**

“On en-route charges, Portugal being a member State of European Organization for the Safety of Air Navigation (EUROCONTROL) following the ratification of the Protocol of Amendment of the Convention on International Safety Air Navigation, must automatically accept the Multilateral Agreement relating to the en-route charges. Air navigation services related to the en-route charges are provided by NAV,EP.

(...) These guideline principles on air navigation charges have been transposed into the Portuguese legislation through the publication of the pertinent acts and laws. Also users’ meetings are convened before the establishment of airports and air navigation charges in accordance with ICAO’s principles.”

## **QATAR**

SOURCE DATED: 8 MARCH 1998.

“The policy of the State of Qatar is in conformity with Article 15 of the *Chicago Convention on International Civil Aviation* and the principles set out in Document 9082 related to the application of airports and route facility charges.”

## **REPUBLIC OF KOREA**

SOURCE DATED: 29 JUNE 1983.

“A charge is levied in accordance with the provisions of the Aeronautical Facility Administration Regulation of the Ministry of Transportation, based on the *Convention on International Civil Aviation*. The charge shall be used to cover cost incurred in repairing, maintaining, improving and operating the airport and air navigation facilities. This charge will be reviewed frequently and adjustments will be made when deemed necessary according to financial situations or international practices.”

SOURCE DATED: 1 AUGUST 1994.

“The Government of Korea has levied noise charges in order to fund measures for aircraft noise control at Kimpo and Cheju International Airports, effective from 1 July 1993. In addition, the Government revised the Enforcement Decree of the Aviation Act on 11 July 1994 to cover Kimhae International Airport under these same measures as well.

Under the revised decree, all aircraft which operate at Kimhae International Airport from the date of promulgation must pay a noise charge that will be used for establishing and executing noise control measures.”

SOURCE DATED: 1 AUGUST 2003.

“The Republic of Korea at present levies charges for air navigation services in accordance with the recommendations of ICAO’s *Manual on Air Navigation Services Economics* (Doc 9161/3) and the Regional Plan.

In light of the fact that the amounts of air navigation service charges levied by the Republic of Korea are lower than those by the States in the region, a study on the system of air navigation service charges, commissioned by the Government, was conducted in 2001 pursuant to Doc 9161/3.

In spite of the low charges, the Government has suppressed the increase of air navigation service charges, taking into account the difficulties airlines are experiencing such as the downfall in the number of passengers since the events of 11 September 2001, increased costs for insurance due to Third Party Liability War Coverage and the overall deterioration in the airlines’ financial health. However, considering that airlines are showing signs of recovery with increase traffic, the Government is reviewing the matter of increasing the amount of air navigation service charges to meet the level of those imposed by other States in the region.”

## REPUBLIC OF MOLDOVA

SOURCE DATED: 24 JANUARY 2000.

“In the Republic of Moldova the charging policy in respect of airports and air navigation services is based on recommendations established in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082), principles agreed within EUROCONTROL, national legislation regarding state regulation of monopolies, and consists in covering both operational and capital expenses for providing these facilities.

The charges and the rules of application are established by the Civil Aviation Administration and can be changed, if necessary, depending on cost base, investment and State fiscal policy.

VAT is not applicable to airport and air navigation charges levied on aircraft performing international flights.”

SOURCE DATED: 11 JULY 2008.

### Airports

“In the Republic of Moldova airport charges are set up and approved by the Civil Aviation Administration in accordance to the legislation established or agreements we are part of. Annually, the State Enterprise International Airport Chisnau presents to CAA the size of its tariffs and if there are changes, present the calculation and argumentation of the above mentioned change for approval.

State Enterprise International Airport Chisnau is an autonomous entity that operates the biggest working airport in our country. It establishes the level of their charges based on concrete calculations. Although, the central body of control and decision making in our State is the Civil Aviation Administration of Moldova. Airport establishes the size of charges and the calculation. CAA analyzes all data and takes the final decision, approves the size of charges in accordance to costs, expenses and liabilities of enterprise.”

### Air navigation services

“In the Republic of Moldova air navigation services (ANS) charges are set up and approved by the Civil Aviation Administration in accordance to the legislation established or agreements we are part of. Annually, the State Enterprise MoldATSA presents to CAA the size of its tariffs and if there are changes, present the calculation and argumentation of the above mentioned change for approval.

State Enterprise MoldATSA is also an autonomous entity and is the only air navigation services operator in our country. It establishes the level of their charges based on concrete calculations. Although, the central body of control and decision making in our State is the Civil Aviation Administration of Moldova. MoldATSA establishes the size of charges and the calculation. CAA analyzes all data and takes the final decision, approves the size of charges in accordance to costs, expenses and liabilities of enterprise.”

**ROMANIA**

SOURCE DATED: 20 MARCH 2000.

“The policy of Romania on airport and air navigation facility tariffs is based on Article 15 of the Chicago Convention and on the principles and recommendations promulgated by the Council of ICAO. In principle, the Airports Administrations endeavour to recover all airport operating costs and expenses.

Establishing and collection of charges for route air navigation services is entrusted to EUROCONTROL.”

SOURCE DATED: 1 AUGUST 2008.

**Airports**

“The fees set for the use of facilities and for the supply of the services provided by a civil aerodrome that is open to public use apply without discrimination, regardless of the nationality of the civil aircraft and are published in accordance with international aviation regulations.

In practice, these fees are negotiated by the airport administrations with the AOC, based on the costs of maintenance, operation, management and administration of these facilities and services provided. All these fees are published in the AIP Romania.

The economic oversight function is carried out in case of airports as in any other case of an economic operator according to national legislation.

There are specific procedures regarding:

- the security charges which are approved by Minister of Transport Order;
- European Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (Art. 4);
- Regulation (EC) NO. 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (Art. 8).

In case of airports where the State is a shareholder, their budgets are approved by Governmental Decision.”

**Air navigation services**

“As an EU member State, Romania applies the Commission regulation (EC) No. 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services. Besides that, Romania participates in the charging system organized by the EUROCONTROL Member States and applies the principles for establishing the cost-base for en-route charges and the calculation of the unit rates (EUROCONTROL Doc. No. 07.60.01 October 2007 edition) together with the conditions of application of the route charges system and conditions of payment (EUROCONTROL Doc. No. 07.06.02 October 2007 edition).

By MoT Order No. 1195/2006, published in the Official Journal of Romania No. 602 of 12 July 2006, the Romanian CAA has been designated “as the civil aviation safety supervisory authority at national level (NSA)”, including for the discharge of the economic/financial/cost-effectiveness supervisory attributes with specific reference to the (EC) SES Regulations, namely the Commission Regulation (EC) No. 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services.”

## RUSSIAN FEDERATION

SOURCE DATED: 19 AUGUST 2008.

“The air navigation service is managed by an autonomous entity. Economic oversight is carried out by means of state regulation of charges for air navigation services.

### **Air navigation services**

“The policy on air navigation service charges in the Russian Federation is based on the following main principles:

- charge rates for air navigation services shall be established in accordance with regulatory documents of the Russian Federation and ICAO documents;
- financially legitimate expenses associated with the provision of air navigation services for aircraft flights shall be recovered taking into account the implementation of plans to improve and develop the system;
- the list of charges shall be reviewed when new types of air navigation services are introduced or when distinct technical service stages are separated into individual types;
- the price of the service provided shall correspond to the level and quality of services provided as well as to the operational needs of the users of the airspace;
- there shall be no discrimination with respect to any categories of users of the airspace, and it shall be inadmissible to compensate privileged categories of users for air navigation services expenses at the cost of the other users; and
- when establishing charge rates, system costs shall be allocated according to the types of air navigation services.

### **Тарифная политика в области аэронавигационного обслуживания**

**Тарифная политика в области аэронавигационного обслуживания в Российской Федерации строится на основе следующих основных принципов:**

**формирование ставок сборов за аэронавигационное обслуживание в соответствии с нормативными документами Российской Федерации и документами ИКАО;**

**возмещение экономически обоснованных расходов, связанных с предоставлением аэронавигационного обслуживания полетов воздушных судов, с учетом реализации планов совершенствования и развития системы;**

**пересмотр перечня сборов при вводе новых видов аэронавигационного обслуживания или выделении отдельных технологических этапов обслуживания в самостоятельные виды;**

**соответствие стоимости предоставляемого обслуживания уровню и качеству предоставляемых услуг, а также эксплуатационной потребности пользователей воздушного пространства;**

**отсутствие дискриминации по отношению к каким-либо категориям пользователей воздушного пространства и недопустимость компенсации затрат на аэронавигационное обслуживание для льготных категорий пользователей за счет остальных пользователей;**

**распределение расходов системы по видам аэронавигационного обслуживания при формировании ставок сборов.**



SOURCE DATED: 10 SEPTEMBER 2003.

“The Russian Federation’s policy respecting charges at State airports and air navigation tariffs is based on the provisions of Article 15 of the *Convention on International Civil Aviation* and on the principles recommended by the Council of ICAO.

Implementation of the tariff system in the Russian Federation is founded on the economic necessity to offset costs related to the operation of airports and air navigation facilities, with due regard to their development.

Tariff levels for State airports and air navigation facilities in the Russian Federation are reviewed periodically on the basis of the modernization of airports and air route facilities on international routes in the Russian Federation and in accordance with the financial policies of the Government departments concerned.”

ПОСЛЕДНИЙ ИСТОЧНИК, ДАТИРОВАННЫЙ: 10 СЕНТЯБРЯ 2003 ГОДА.

"Политика Российской Федерации в области взимания сборов в государственных аэропортах и аэронавигационных тарифов основана на положениях статьи 15 Конвенции о международной гражданской авиации и принципах, рекомендованных Советом ИКАО.

Осуществление тарифной системы в Российской Федерации вызывается экономической необходимостью возместить расходы, связанные с эксплуатацией аэропортов и аэронавигационных средств, с учетом планов их совершенствования.

Уровни тарифов за пользование государственными аэропортами и аэронавигационными средствами в Российской Федерации периодически пересматриваются в связи с модернизацией аэропортов и маршрутных средств на международных маршрутах в Российской Федерации и в соответствии с финансовой политикой соответствующих правительственных учреждений."

#### **SAINT LUCIA**

SOURCE DATED: 23 APRIL 1997.

“Airport charges levied in Saint Lucia will be reviewed from time to time, the fundamental consideration being the need to achieve viability while maintaining competitive rates to encourage the maximum utilization of the airports.”

#### **SAINT VINCENT & THE GRENADINES**

SOURCE DATED: 25 FEBRUARY 2000.

“The practice of the Government of St. Vincent and the Grenadines has been to revise airport and air navigation facility charges from time to time as the need arises.”

#### **SAUDI ARABIA**

SOURCE DATED: 25 FEBRUARY 2000.

“The general charging policy of the Kingdom of Saudi Arabia is that fees and charges are levied not to be discriminatory, not to be so high so as to discourage the use of facilities and services necessary for air safety, and are related to the costs for providing the various PCA Services, but not fully recovered. All fees and charges are subject for review from time to time as circumstances require. Fees and charges are based on principles in conformity with the *ICAO’s Policies on Charges for Airports and Air Navigation Services (Doc 9082)*”

**SERBIA**

SOURCE DATED: 14 JULY 2008.

**Airports**

“The policy and practices of the Republic of Serbia concerning the airport charges are in compliance with Article 15 of the Chicago Convention and the Republic of Serbia is determined to maintain, as much as possible, the conformity with the principles set out in *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082).”

**Air navigation services**

“The Republic of Serbia participates in the charging system established by the EUROCONTROL Member States and therefore adopted the policy shared by these States in this field, the fundamental principle of which is that the use of route air navigation facilities requires payment for services provided.”

**SEYCHELLES**

SOURCE DATED: 15 JANUARY 1992.

“Changes in tariffs will be considered from time to time in accordance with the principles laid down in *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082).”

**SIERRA LEONE**

SOURCE DATED: 11 AUGUST 1982.

“The policy on which airport charges are made is based on the number of facilities provided, the operating and maintenance costs of these facilities and the airport. Government, however, continues to subsidize a good percentage of these costs.

Airport charges are reviewed periodically as dictated by prevailing economic climate.

As you know, a common policy on en-route charges exists between our three sister States, Guinea, Sierra Leone and Liberia, parties of the Roberts Flight Information Region.”

**SINGAPORE**

SOURCE DATED: 25 JUNE 2008.

**Airports**

“The Civil Aviation Authority of Singapore takes into consideration the recovery of the whole of its costs including a reasonable return on capital when determining its charges. All charges are subject to review from time to time as circumstances require.”

**Air navigation services**

Not applicable.

**SLOVAKIA**

SOURCE DATED: 11 APRIL 2002.

**Airports**

“The creating price policy with regard to charges according to case is aimed at recovering the expenses incurred for the installation and maintenance of aerodromes equipment and those charges are subject to revision in order to adjust the costs to eventual receipts.”

**Air navigation services**

“In respect of air navigation services tariffs, Slovakia follows the system established by the EUROCONTROL, i.e. cost-related charging. The charges are regularly reviewed and adjusted to the forecasted changes in the air traffic, inflation and expected investments in air navigation facilities.”

**SLOVENIA**

SOURCE DATED: 2 FEBRUARY 2000.

“The ownership and management of Slovenian’s international airports has been devolved to autonomous companies with a statutory requirement to operate commercially. The pricing of airport and airways services is therefore a commercial matter for the provider companies, although Slovenian’s normal commercial legislation applies.

We would like to add also that Slovenia has reached the moment when it will be ready to promulgate a completely new and on ICAO and EU standards oriented national Civil Aviation Act.”

SOURCE DATED: 30 JUNE 2008.

**Airport**

“Due to civil aviation law of Slovenia, cost basis must be transparent, objective and non-discriminatory. The State is 51% owner of Ljubljana airport.

The oversight function is carried through Aerodrome Ljubljana company’s shareholders assembly and supervisory board.”

**Air navigation services**

“Full cost recovery system applies, in line with Single European Sky Regulation and common charging scheme regulation, terminal charges cover services of the final approach phase.

Economic oversight function over Slovenia Control Ltd. is carried out by the State. Members of the Supervisory Board are State representatives, business plans and annual reports approved by the Government, cost bases for charges approved by the State.

The charges are collected by EUROCONTROL. The amount of the charge shall be in EUR. The date by which payment must be effected is shown on the bill. Claims against bills must be submitted to EUROCONTROL in writing. The final date by which claims must be submitted is shown on each bill. Claims must be detailed and should be accompanied by any relevant supporting evidence. Any claim submitted by a user does not entitle him to make a deduction from the relevant bill unless authorized to do so by EUROCONTROL.”

## **SOUTH AFRICA**

SOURCE DATED: 3 MAY 2000.

### **Airports**

“The Airports Company Limited is a company established in terms of the Airports Company Act, 1993 (Act No. 44 of 1993). The company has the responsibility for the maintenance, management, control and operation of all state owned airports.

In terms of section 5 of the Airports Company Act, the Company is allowed to levy airport charges.

The above companies are economically regulated by the Regulating Committee established in terms of section 11 of Airports Company Act.

Aerodromes which do not belong to the Airports Company are deregulated.”

### **Air navigation services**

“The Air Traffic and Navigation Services Company Limited is a company established in terms of Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993). The objects of the company are the acquisition, establishment, development, provision, maintenance, management, control or operation of air navigation infrastructure, air traffic services or air navigation services.

In terms of section 5 of Air Traffic and Navigation Services Company Act, the Company is allowed to levy air traffic service charges...”

SOURCE DATED: 4 AUGUST 2008.

### **Airports**

“South Africa has regulatory tools in place that deal with economic oversight of airport and air navigation charges. Our charges are regulated in terms of a document called the Permission that is valid for 5 years.

The regulating Committee (RC), a statutory body appointed by the Minister carries out economic oversight. The RC is tasked with the economic and service standard regulation of Airports Company South Africa (ACSA) for airport charges and of Air Traffic and Navigation Services (ATNS) for air navigation charges.

To facilitate economic regulation of ACSA, the RC is vested with the powers to issue Permissions to levy airport and air navigation charges.”

### **Air navigation services**

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To facilitate economic regulation of ACSA, the RC is vested with the powers to issue Permissions to levy airport and air navigation charges.”

**SPAIN**

SOURCE DATED: 15 JUNE 2001.

“The approach charge is consistent with general ICAO guidelines and the standards applied in the EUROCONTROL system of en-route navigation tariffs.

Legally, airport charges at Spanish airports are fees. Their essential elements are regulated by law, and the amounts can be set by Ministerial Order. The basic principles governing the system of tariffs for aeronautical services at Spanish airports are:

- Non-discrimination
- Transparency
- Cost-relatedness

These principles are based both on the charter of ICAO (Chicago Convention, 1944) and on later recommendations.

Spain complies strictly with the first two principles in applying its aeronautical tariffs, charging the same amount for equivalent aviation services, as determined by aircraft type and/or characteristics, distance flown and/or administrative and customs formalities (non-discrimination), and ensuring the regular exchange of precise and transparent information between users and airports and at annual bilateral meetings with airline associations, where proposed tariffs are announced (transparency).

With respect to the principle of cost-relatedness, the aeronautical tariffs at Spanish airports do not cover the costs of providing the services in question, being very much lower. In the years to come, Spain will be following the policy established in the national legislation that regulates such tariffs, adjusting the level of tariffs until they cover the costs of the services provided.

As regards air navigation facility tariffs, Spain follows the system established by the EUROCONTROL States for en-route charges.”

SOURCE DATED: 18 SEPTEMBER 2003.

“Airport charges are legally defined as fees, being the general governing standard for these charges Law 8/1989 on Public Fees and Prices, as amended by Law 25/1998 of 13 July on the amendment of the Legal Scheme for State and Local Fees and for the Reorganization of Equity Benefits of a Public Nature. Said law sets forth a number of legally binding principles, some of which would conform to the criteria set forth in paragraphs 22 and 23.”

As regards to the cost basis for the setting of charges, the abovementioned law stipulates the following:

Section 7. Equivalence principle: “Fees shall tend to cover the cost of the service or activity object of their levy”.

Section 19. Quantitative elements of fees:

Sub-section 2. “In general and in accordance with the provisions of the following paragraph, the amount of fees for services or activities shall not exceed, as a whole, the cost of the service or activity in question or else, the value of the benefit received.”

Sub-section 3. “In order to set said amount, direct and indirect costs shall be taken into account, including financial costs, amortization of fixed assets and, in this case, those costs necessary to ensure maintenance and a reasonable development of the service or activity for which the fee is levied, irrespective of the budget allocated for said costs”.

As regards to the systems for the imposition of airport charges, Law 8/1989, Article 18, sets forth the non-discrimination principle by establishing the following as to exemptions and allowances: “...no tax benefit shall be allowed regarding fees, except for those in favour of the state and other public, territorial or institutional agencies, or derived from the provisions of international treaties and agreements”.

Terminal charges: “Law 24/2001 of 27 December 2001 on Taxation, Administrative and Social Measures, Article 22 (BOE 31 December 2001), whose wording is currently in force and effect, although it has been modified as regards the amount of the unit tariff by Article 20 of Law 52/2002 of 30 December on Taxation, Administrative and Social

Measures (BOE of 31 December 2002) and, regarding airport classification, by Ministry Order 405/2003 of 25 February by the Ministry of Development.”

“AENA is a public business entity that reports to the Ministry of Development (100% state-owned). The government is the authority in charge of enacting economic regulations (responsible for approving and setting air navigation charges), and which sets limitations for the entity’s budget, as well as restrictions on salaries, recruitment of new employees, debt or investment levels.

At present, revenues generated by the application of charges for Airports and Air Navigation Services in Spain are not enough to cover the costs of rendering services, which, in practice, means that the deficit in aviation services rendering is being covered with revenues generated by business activities. However, pursuant to the abovementioned provisions of the Fees and Public Prices Act, AENA’s objective for the coming years will be to set forth tariff proposals to adapt the fee amounts to the cost generated by each service rendered.”

REFERENCIA: 18 DE SEPTIEMBRE DE 2003.

“Los derechos aeroportuarios están configurados jurídicamente como tasas, siendo la Ley 8/1989 de Tasas y Precios Públicos, modificada por la Ley 25/1998 de 13 de julio de Modificación del Régimen Legal de las Tasas Estatales y Locales y de Reordenación de las Prestaciones Patrimoniales de Carácter Público, la norma que regula con carácter general estos derechos. En dicha ley se establecen una serie de principios de obligado cumplimiento, algunos de los cuales responderían a los criterios establecidos en los párrafos 22 y 23.

Con respecto a la base de costos para fijar los derechos, en la Ley anteriormente señalada se establece:

Artículo 7. Principio de equivalencia: “Las tasas tenderán a cubrir el coste del servicio o de la actividad que constituya su hecho imponible”.

Artículo 19. Elementos cuantitativos de las tasas:

Punto 2. “En general y con arreglo a lo previsto en el párrafo siguiente, el importe de las tasas por prestación de un servicio o por la realización de una actividad no podrá exceder en su conjunto del coste real o previsible del servicio o actividad de que se trate o, en su defecto, del valor de la prestación recibida.

Punto 3. “Para la determinación de dicho importe se tomarán en consideración los costes directos e indirectos, inclusive los de carácter financiero, amortización del inmovilizado y, en su caso, los necesarios para garantizar el mantenimiento y un desarrollo razonable del servicio o actividad por cuya prestación o realización se exige la tasa, todo ello con independencia del presupuesto con cargo al cual se satisfagan”.

Con respecto a los sistemas de imposición de derechos aeroportuarios, la ley 8/1989, en su artículo 18, establece el principio de no discriminación al regular lo siguiente en materia de exenciones y bonificaciones: “...no se admitirá en materia de tasa, beneficio tributario alguno, salvo a favor del Estado y los demás Entes públicos, territoriales o institucionales o como consecuencia de lo establecido en los Tratados o Acuerdos internacionales”.

Tarifas de aproximación: “Ley 24/2001, de 27 de diciembre, de Medidas Fiscales, Administrativas y del Orden Social, artículo 22 (BOE de 31 de diciembre de 2001), cuya redacción es la que actualmente permanece en vigor, aunque modificada en cuanto al importe de la tarifa unitaria por el artículo 20 de la Ley 53/2002, de 30 de diciembre, de Medidas Fiscales, Administrativas y del Orden Social (BOE de 31 de diciembre de 2002) y, en cuanto a la clasificación de aeropuertos, por la O.M. del Ministerio de Fomento 405/2003 de 25 de febrero.”

“AENA es un Ente Público Empresarial dependiente del Ministerio de Fomento (100% propiedad Estatal). La autoridad responsable de la reglamentación económica es el Gobierno (responsable de la aprobación y establecimiento de las tarifas de navegación aérea), que establece límites al presupuesto de dicho organismo, así como restricciones en cuanto a salarios, contratación de nuevos empleados, niveles de deuda o inversiones.

En el momento actual, los ingresos generados en la aplicación de las tasas de los servicios aeronáuticos en los aeropuertos español no cubren los costes de los servicios prestados, ello implica en la práctica, que el déficit que se produce en la prestación de los servicios aeronáuticos se está cubriendo con los ingresos provenientes de las actividades comerciales. No obstante, de acuerdo con los principios establecidos en la Ley de tasas y precios públicos, mencionada en los párrafos anteriores, el objetivo de AENA en los próximos años será elaborar propuestas tarifarias consistentes en adecuar las cuantías de las tasas al coste generado por cada uno de los servicios prestados.”

REFERENCIA: 11 DE JULIO DE 2008.

### **Aeropuertos**

“El Ministerio de Fomento, a través del gestor y operador de servicios aeroportuarios tiene como misión contribuir al desarrollo del transporte aéreo en España y garantizar el tránsito aéreo con seguridad, fluidez, eficacia y economía, ofreciendo una calidad de servicio acorde con la demanda de clientes y usuarios.

Para el Ministerio de Fomento, las tasas aeroportuarias pueden ser consideradas como una palanca más para estimular el desarrollo de los diferentes mercados y mejorar la eficiencia en la utilización de las infraestructuras y servicios.

Actualmente, los ingresos generados en la aplicación de las tasas de los servicios aeronáuticos en los aeropuertos españoles no cubren los costes de los servicios prestados. En la práctica, esto implica que el déficit que se produce en la prestación de los servicios aeronáuticos se está cubriendo con los ingresos provenientes de las actividades comerciales.

Durante los próximos años, y en línea con la nueva normativa sobre tarifas aeroportuarias que está elaborando la Comisión Europea, es previsible que se lleve a cabo una revisión y optimización del sistema tarifario aplicable en los aeropuertos españoles, introduciendo los cambios necesarios que permitan fomentar la competitividad de los distintos agentes implicados en el sector del transporte aéreo.

El gestor y operador aeroportuario Aena es una Entidad Pública Empresarial con personalidad jurídica propia e independiente de la del Estado, con plena capacidad jurídica, pública y privada, y con patrimonio propio. Está adscrita al Ministerio de Fomento, el cual, de acuerdo con el mandato que establezca el Gobierno, fija sus directrices de actuación, aprueba el plan anual de objetivos, efectúa el seguimiento de su actividad y ejerce el control de eficacia.

Respecto a las tarifas aeroportuarias, el Gobierno es el encargado de revisar las propuestas tarifarias planteadas por Aena que, en última instancia, son aprobadas por el Parlamento.”

### **Servicios de navegación aérea**

“El Ministerio de Fomento, a través del gestor y operador de los servicios de navegación aérea AENA, tiene como misión contribuir al desarrollo del transporte aéreo en España y garantizar el tránsito aéreo con seguridad, fluidez, eficacia y economía, ofreciendo una calidad de servicio acorde con la demanda de clientes y usuarios.

Para el Ministerio de Fomento las tasas de navegación aérea pueden ser consideradas como una palanca más para estimular el desarrollo de los diferentes mercados y mejorar la eficiencia en la utilización de las infraestructuras y servicios.

Actualmente, tanto las tasas de navegación aérea de ruta, como las de aproximación, están reguladas por normas comunitarias, desarrolladas dentro de la iniciativa de Cielo Único europeo.

El Gobierno de España, a través del Ministerio de Fomento, está realizando los cambios normativos necesarios para adaptar el marco regulatorio asociado a estas tasas a la nueva normativa europea, de tal forma que se puedan cumplir los objetivos perseguidos por la Comisión Europea.

En cuanto a la tasa de navegación aérea de ruta, España pertenece al Sistema de Tarifas de Ruta de Eurocontrol, sistema que permite recuperar los costes asociados a la provisión de este tipo de servicios. El Gobierno, a través de sus diferentes Autoridades Nacionales de Supervisión, se encarga, entre otros aspectos, de la certificación económica de los proveedores de servicios de navegación aérea y de asegurar la transparencia en la determinación de los costes empleados para el cálculo de estas tasas.

Por otro lado, las tasas de navegación aérea de aproximación son, al igual que las tasas aeroportuarias, controladas por el Gobierno y aprobadas por el Parlamento.”

**SRI LANKA**

SOURCE DATED: 23 JULY 2001.

“The policy of the Government of Sri Lanka with regard to charges for airports and air navigation services is based on the provisions of Article 15 of the Chicago Convention and the general principles and policies laid down by ICAO. Accordingly, we are adopting the policy of making full recovery of costs properly attributable to the provision and operation of airports and en-route air navigation facilities and services from the users of those facilities.”

SOURCE DATED: 23 JUNE 2008.

The economic oversight function for airports is carried out by the DGCA of the CAA (by virtue of the Civil Aviation Authority Act).

**SWAZILAND**

SOURCE DATED: 19 JUNE 1987.

“Means are still being formulated for the collection of passenger service charges and the air navigation facility charges which would affect other neighbouring States.”

**SWEDEN**

SOURCE DATED: 5 JULY 2001.

**Airports**

“The Swedish Civil Aviation Administration is managing the government owned airports, which have approximately 85% of all commercial landings and 95% of all passengers. The economic regulation of this activity is done through government decrees. Airports managed by other entities have at the moment no aviation related economic regulation.”

**Air navigation services**

“The Swedish Civil Aviation Administration is managing the air navigation services in Sweden. The economic regulation of this activity is done through government decrees and in accordance with the EUROCONTROL Convention.”

**SWITZERLAND**

SOURCE DATED: 30 JUNE 2008.

**Airports**

“It is the policy of the Swiss Government to comply as far as possible with the principles set forth in the recommendations agreed at ICAO ANSConf 2000 (Doc 9764) and in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082).

Supervisory functions such as adherence to national and international regulations are performed by FOCA. Approval by national Price Surveillance Authority.”

**Air navigation services**

“Formal approval of air navigation services charges of Skyguide (air navigation services provider) by Federal Department of Environment, Transport, Energy and Communications.”



**THAILAND**

SOURCE DATED: 13 MARCH 2000.

“The airport charges can be normally determined with a view to cover their costs and some reasonable returns on capital. The air navigation facilities tariffs are charges at cost. All charges are subject to review from time to time as national economy requires.”

SOURCE DATED: 24 JULY 2001.

**Airports**

“All civil aviation charges are controlled by the Government. Airport charging systems are set by separating each revenue and cost of each service. The charge will cover the cost of each service. In addition, the Government also considers other revenue generating activities which are not related to civil aviation services, when charges are set.

Thailand has policy on charges for air navigation services by allocating costs of air navigation services among aeronautical user. However, Thailand has charged for air navigation services from domestic flights in proportion with 75% of international flights.”

**Air navigation services**

“Air navigation services in the Flight Information Region of Thailand are operated by Aeronautical Radio of Thailand Ltd. which is a State-Enterprise under the ministry of Transport and Communications of Thailand. It is the self-financed company which provides services to air transport operators on non-profit basis. Services charges are collected according to the expenditure in the year. The company recovers the expenses by collecting air navigation services charges fairly from the users. The Civil Aviation Board, which is a State organization, has the duty to examine and approve the charges for the facilitation of air navigation as approved by the Minister of Transport and Communications.”

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

SOURCE DATED: 27 MARCH 2000.

“In respect of charges levied on users of airports and route air navigation facilities, the *Convention on International Civil Aviation* is complied with as are the principles set forth in the *ICAO's Policies for Airports and Air Navigation Services* (Doc 9082). The airport charges are kept under constant review and adjustments are made from time to time as circumstances require.”

SOURCE DATED: 5 MARCH 2001.

“A policy is pursued of full recovery of costs properly attributable to the civil aviation for the provision and operation of airports and air navigation facilities and services. Establishing and collection of charges for route air navigation services is entrusted to EUROCONTROL.”

SOURCE DATED: 8 OCTOBER 2002.

**Airports**

“A flat rate charge is made for all services associated with the usage of listed aerodromes in the State. This includes local ATC, Landing, Handling, Customs, Immigration and Security services associated with one arrival/departure for all passenger aircraft. Charges in this section for Skopje (LWSK) and Ohrid (LWOH) aerodrome are expressed in Euro.”

**Air navigation services**

“Charges are applied for the use of services and facilities for Air Navigation Services according to the Article 187 of Aviation Act (Gazette SFRJ no. 45/85, 24/88, 80/89). Pursuant to the Ministry of Transport and Communications Ordinance, new charge regulations for the use of the Air Navigation Services and facilities are valid from 20 July 1995. The Ordinance is applied to all aircraft operating within the Republic of Macedonia with exceptions stated in 4.2.4.”

SOURCE DATED: 30 JUNE 2008.

### **Air navigation services**

“The policies and practices applied to charges levied in our State for ANS are in compliance with the principles set out in paragraphs 38 to 41 of Doc 9082.

Civil Aviation Administration (CAA) acts as a regulator for all aviation activities and ANS provisions. The economic oversight function is carried out by the Ministry of Finance (it approves CAA budget). CAA is in charge for the regulation preparation process, and the Government is responsible for the regulation promulgation.”

## **TOGO**

SOURCE DATED: 25 MARCH 1998.

### **Airports**

“Starting on 1 January 1998, Togo introduced an infrastructure development charge to be paid by the passenger. It is intended to finance national aeronautical activities and the rehabilitation of the aeronautical infrastructures.”

### **Air navigation services**

Togo participates in the charging system established by the ASECNA member States.

## **TONGA**

SOURCE DATED: 28 SEPTEMBER 1988.

“Charges are subject to review as national economy requires.”

## **TRINIDAD AND TOBAGO**

SOURCE DATED: 28 APRIL 1994.

“Charges relate to the costs of providing and maintaining facilities and are subject to review from time to time.”

## **TUNISIA**

SOURCE DATED: 26 FEBRUARY 1992.

“The airport charges will be revised semi-annually using the following automatic indexing formula each time the price index of the production factors increases by a proportion greater than 2%.

$$KA = T1 \times EQ/EQ0 + T2 \times E1/E10 + T3 \times P/P0 + T4 \times S/S0 + T5 \times Bi/Bi0$$

Where:

- EQ represents the price index of the aeronautical equipment;
- E1 represents the price index of electricity chosen as the work unit for the operational charges;
- P represents the price index of air transport;
- S represents the salary index;
- Bi represents the price index of the bitumen (asphalt).

In this formula, the weight of each factor in the charges for aeronautical activities is as follows:

T1 = 15.2%  
T2 = 15%  
T3 = 1.7%  
T4 = 58.1%  
T5 = 10%

The weight of each of these factors in the charges will be the subject of an annual revision for the purposes of updating.”

SOURCE DATED: 31 MARCH 1999.

“The aeronautical charges are established in accordance with the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082).

The charges are subject to revision in light of the evolution of the airport-related costs.

For commercial reasons, OACA offers time-limited tariff benefits at some of its airports.”

COMMUNICATION: 23 JUILLET 2008.

### **Aéroports**

“La politique de l’État concernant les redevances aéroportuaires se trouve dans le Journal Officiel de la République Tunisienne Décret n°93-1154 du 17 mai 1993 et Décret n°2008-101 du 16 janvier 2008 (<http://www.cnudst.mrt.tn/wwwisis/jort.06/form.htm>).

La supervision économique des aéroports est assurée par les contrôleurs de la Direction Générale de l’Aviation Civile.”

### **Services de navigation aérien**

“La politique de l’État concernant les redevances de services de navigation aérienne se trouve dans le Journal Officiel de la République Tunisienne Décret n°93-1154 du 17 mai 1993 et Décret n°2008-101 du 16 janvier 2008 (<http://www.cnudst.mrt.tn/wwwisis/jort.06/form.htm>).

La supervision économique des services de navigation aérienne est assurée par les contrôleurs de la Direction Générale de l’Aviation Civile.”

## **UGANDA**

SOURCE DATED: 14 MARCH 2000.

“Uganda endeavours as far as possible to comply with Article 15 of the *Convention on International Civil Aviation* and further endeavours to maintain conformity with the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082).”

## **UKRAINE**

SOURCE DATED: 18 JUNE 2001.

“Ukraine’s policy with respect to levying charges at State airports and air navigation tariffs is based on the provisions of Article 15 the *Convention on International Civil Aviation* and the principles recommended by the Council of ICAO.

Implementation of the tariff system in Ukraine is based on economic necessity to cover the operational costs of airports and air navigation facilities taking into account the plans to improve them.

The levels of the tariffs for the use of State airports and air navigation facilities in Ukraine are periodically reviewed in relation to the modernization of airports and international route facilities.”

SOURCE DATED: 12 JULY 2001.

### **Airports**

“The Airports of Ukraine calculate the rates of airport charges based on the costs of providing airport services. The rates of airport charges (take-off/landing charge, passenger service charge, parking charge, and the security) at airports of Ukraine are approved by the Ministry of Transport of Ukraine in agreement with the Ministry of the Economy of Ukraine.”

“Аэропорты Украины осуществляют расчет ставок аэропортовых сборов на основе их затрат на предоставление аэропортовых услуг. Ставки аэропортовых сборов (сбор за взлет-посадку, сбор за обслуживание пассажиров, сбор за сверхнормативную стоянку, сбор за авиационную безопасность) в аэропортах Украины утверждаются в Министерстве транспорта Украины с согласованием с Министерством экономики Украины.”

### **Air navigation services**

“The Ukrainian State Air Traffic Services Enterprise, Ukraerorukh, which is the air navigation service provider in Ukraine, calculates the unit rate of charges according to the current “Principles for Establishing the cost base for Route Facility Charges”(EUROCONTROL). The unit rate for air navigation service charges is approved by the Ministry of Transport of Ukraine in agreement with the Ministry of the Economy of Ukraine.”

“Государственное предприятие обслуживания воздушного движения “Украэрорух” – провайдер аэронавигационного обслуживания в Украине осуществляет расчет единичной ставки сборов согласно действующим “Принципам создания базы расходов на маршруте” (Евроконтроль). Единичная ставка аэронавигационных сборов утверждается в Министерстве транспорта Украины с согласованием с Министерством экономики Украины.”

## **UNITED ARAB EMIRATES**

SOURCE DATED: 30 JUNE 2008.

### **Airports**

“General Civil Aviation Authority (GCAA) is a UAE Federal Acts Autonomous Authority which do not own or operate the airports in the United Arab Emirates. They are owned and operated by the respective government of the UAE Emirates i.e. Abu Dhabi, Dubai, Sharjah, Ras Al Khaimah, Fujairah and UMM Al Quwain.”

### **Air navigation services**

“GCAA (Representative of the UAE) a federal autonomous authority’s policy is to levy reasonable air navigation charges for the overflying, domestic and inbound/outbound air traffic to cover all operating and capital expenditure in order to create necessary infrastructure to provide safe and secure air traffic service effectively and efficiently.

GCAA, a federal autonomous authority governed by the Board of Directors (BOD), is broadly representing the UAE aviation industry. It is appointed by the UAE Federal Cabinet (headed by the Chairman) and is reporting to the UAE Federal Cabinet. It has a Director General responsible for the day to day operations reporting to the Chairman of the Board. Navigation charges and the operating and capital expenditure of the GCAA are subject to BOD’s approval, i.e. approval of the GCAA budget every year.

## UNITED KINGDOM

SOURCE DATED: 22 MARCH 2004.

### Airports

“It is the policy of the United Kingdom Government that charges at airports in the United Kingdom shall conform with Article 15 of the *Convention on International Civil Aviation*.

Airports with an annual turnover exceeding one million pounds must obtain the permission of the Civil Aviation Authority (CAA) to levy airport charges, and must comply with any conditions attached to the permission imposed by the CAA.

Under the Airports Act 1986 the CAA has to set price caps on airport charges generally every five years at airports designated by the Secretary of State. The airports currently designated are Heathrow, Gatwick, Stansted and Manchester. Before it can set a price cap the CAA must, consistently with the Airports Act, make a reference to the Competition Commission unless the Secretary of State directs otherwise. The reference asks the Commission to report on what the maximum limit on airport charges for the following period of five years should be, and whether, since the date of the previous reference, the airport has pursued a course of conduct contrary to the public interest.

The current price caps, which run from 1 April 2003 to 31 March 2008, are:

Heathrow: retail price index (RPI) + 6.5% per annum  
Gatwick: RPI +0% per annum  
Stansted: RPI +0% per annum  
Manchester: RPI -5% per annum

For further information, visit [www.caaerg.co.uk](http://www.caaerg.co.uk).”

### Air navigation services

“National Air Traffic Services (En Route) plc (NATS) provides air traffic control services to aircraft flying in U.K. airspace and over the eastern part of the North Atlantic. NATS also provides air traffic control services at 14 of the nation’s major airports including Heathrow, Gatwick, Stansted, Birmingham, Manchester and Glasgow.

En route charges paid by users continue to be agreed by the States participating in the EUROCONTROL system. Such charges are subject to price controls by the CAA. The current price regime is RPI - 2% for each of the years 2003, 2004 and 2005. The CAA will need to set a new price control for NATS charges to apply from January 2006. The key challenge will be to further user interests while permitting NATS to continue to finance its licensed activities.

For further information, visit [www.caaerg.co.uk](http://www.caaerg.co.uk) and [www.nats.co.uk](http://www.nats.co.uk).”

SOURCE DATED: 7 JULY 2008.

### Airports

“The framework of economic regulation that currently exists in the U.K. is set out in the Airports Act 1986. The prices airports charge are a matter for the CAA and the airport operator themselves - Government has no role to play. The Secretary of State for Transport has the power to designate (and de-designate) airports for the purposes of price control in line with established criteria.

In the U.K. most airports are privately owned and the U.K. Government prefers competition to economic regulation. Economic regulation should be appropriate and proportionate and only implemented where the benefits of such regulation exceed the costs. Heathrow, Gatwick, Stansted and Manchester currently have price controls, but the Government has decided to de-designate Manchester, so it will no longer be price controlled.

The CAA is independent from the Government and must perform its duties in line with the Airports Act.

The U.K. CAA sets 5 yearly price controls on airports designated by the U.K. Government. The CAA can impose conditions on these and other UK airports (with an annual turnover exceeding £1m) which unreasonably discriminate against a user, or a class of user, or unfairly exploit their bargaining position against users generally.”

### **Air navigation services**

“For en route services - charges are subject to economic regulation by the CAA and are set according to the EUROCONTROL en route charges system, which is under-pinned by European Commission Regulation (EC) No 1794/2006.

At airports, ANS is usually treated as a component of the airport's cost base, and airports may seek to recover the costs of ANS through their airport charges rather than charge airlines separately. However, at three airports in Scotland, the ANS provider has powers to charge airlines directly for the services provided. Before these annual charges are set, the ANS provider has to consult users before submitting to the CAA for promulgation. The Government is looking to end these powers to charge airlines directly and bring the treatment of ANS at these airports in line with practice in the rest of the U.K.

En-route air navigation suppliers require a licence issued by the U.K. Government or U.K. CAA. Currently NATS has a licence, which includes a five yearly price control set by the CAA. Where an airport charges users for air navigation services, the CAA can impose conditions on UK airports (with an annual turnover exceeding £1m) which unreasonably discriminate against a user, or a class of user, or unfairly exploit their bargaining position against users generally.”

### **UNITED KINGDOM/Cayman Islands**

SOURCE DATED: 18 JUNE 2002.

“Airport and air navigation charges are payable at the time the airport is used, or in the case of regular users, on demand at the end of each calendar month in respect of charges accrued during the month.

Charges are reviewed on a regular basis and adjusted accordingly. Consult the Cayman Islands Aeronautical Information Publication for current information.”

### **UNITED REPUBLIC OF TANZANIA**

SOURCE DATED: 7 JUNE 1996.

### **Air navigation services**

“The general policy on the charges is based on the following factors which affect the levying of charges:

1. the continuing rise in the cost of aerodrome facilities, their operation and maintenance;
2. the depreciation of fixed assets in general;
3. the financial costs associated with the improvement of facilities being implemented at present.

On the above basis the air navigation charges shall be periodically reviewed with other relevant international developments and the general air traffic changes in/through the FIR.”

SOURCE DATED: 8 MARCH 2004.

**Website:** [www.aviationauthority.org](http://www.aviationauthority.org).

“Tanzania Civil Aviation Authority (TCAA) was established on 1 November 2003 as a Corporate Body under the Tanzania Civil Aviation Authority Act, 2003.

Under this Act, the TCAA will be responsible for regulating the activities of persons and institutions carrying on air transport services (carriage of passengers and cargo, both domestic and international), aeronautical airport services (airport operators, ground handlers, cargo operators, hanger facilities, airport security, in-flight caterers and aircraft fuelling services), air navigation services (includes air traffic services and associated infrastructure, and aeronautical meteorological services) as well as continue with the provision of air navigation services.

Emphasis has been placed on the economic regulation of the service providers to ensure that fair play is maintained and the consumers (users of the services) are protected against any uncompetitive acts.

The Act also provides for the establishment of Consumer Consultative Council consisting of not more than 10 persons representing the users of the services being regulated. The purpose is to provide for a machinery for the exchange of views within the industry and represent the interest of the consumers (users) by making submissions, providing views and information and consulting with the Authority and the Minister. The members of the Council are appointed by the Minister after consultation with the business community and organizations representing the private sector.

Further the Act establishes complaint and dispute resolution mechanism, an important element in a liberalized environment, providing for an effective complaint and dispute resolution mechanism. The intent being to build confidence within the industry by ensuring that fair competition prevails and that, when a dispute arises, fast and effective mediation or resolution will be forthcoming before irreversible damage takes place.

The Authority will be self-funding with funds being derived from fees, levies and other payments realized from the performance of its functions. Regulated service providers will be required to pay annual levies, calculated as a percentage of their revenues. However, all such fees, levies and other payments are required to be scrutinized and discussed with the service providers and gazetted before implementation.”

## **UNITED STATES**

SOURCE DATED: 5 SEPTEMBER 2001

“While the FAA does impose several user type fees (such as overflight fees, aeronautical charting fees, foreign repair station and certification fees, civil aviation registry fees, security finger printing fees, and air taxi registration fees) these fees taken together represent less than one half of one percent of FAA’s funding base. It is also important to note that within the United States, there is a significant difference between a user fee and an excise tax. While a user fee is, in principle, based on the level of service provided by a government entity, an excise tax generally does not vary based on the level of service receive, but rather takes one of two forms: a unit tax or an ad valorem tax.”

SOURCE DATED: 11 JULY 2008.

### **Airports**

The policies on airport charges are set out in the “U.S. Department of Transportation Policy on the Establishment of Airport Rates and Charges (6 IFR 31994) and the Federal Aviation Administration Grant Assurances (49 USC, 47107, Sections A1 to A22)

Economic oversight is carried out on a number of different levels:

- U.S. antitrust laws;
- FAA airport improvement grant assurances
- Department of Transport Oversight.”

### **Air navigation services**

“FAA is primarily funded through a combination of aviation user taxes and general fund contributions. FAA does impose an overflight fee. These fees are developed based on FAA’s cost accounting system and are designed to reflect the level of service provided.”

SOURCE DATED: 15 AUGUST 2008.

### **Airports**

“In the United States, the majority of commercial service airports are publicly owned by local governments, such as cities and counties. Furthermore, some state and local governments have established special entities, such as single-purpose airport authorities or multi-jurisdictional regional authorities, to manage/operate these airports. As an economic entity, airports in the United States are required to adopt business practices to become as financially self-sufficient as possible in response to market demands, and to become less dependent on government assistance. At the same time, there are Federal laws governing the operation and taxation of airports and airport related business

which generally require that the proceeds of such taxes be applied to uses that relate to the airport. In addition, Federal laws, regulations, and U.S. international obligations presently in place restrict the types of alternative fee structures airports may adopt, especially if airport charges deviate significantly from traditional cost accounting and cost-allocation methodologies. Requirements that grant-funded airports be available for public use on fair and reasonable terms and without unjust discrimination provides further regulatory control on an airport's ability to set charges."

### **Air navigation services**

"The Federal Administration's (FAA) cost accounting system enables the FAA to identify its costs in detail by line of business (these lines of business are the Air Traffic Organization, Aviation Safety, Airports, and Commercial Space Transportation). Within the Air Traffic Organization, cost accounting provides a detailed accounting of oceanic, domestic en route, flight service stations, and terminal area costs. Consistent with ICAO guidance, the cost accounting system identifies the full cost of providing air navigation services, including appropriate amounts of capital and depreciation of assets, as well as the costs of maintenance, operation, management, and administration.

The FAA is currently funded from two sources: the Airport and Airway Trust Fund (\$12.57 billion in fiscal year 2008, or approximately 84% of the total FAA budget) and the U.S. General Fund (\$2.34 billion in fiscal year 2008). The Trust Fund derives its revenues from aviation excise taxes described below and detailed in Doc 7100, *Tariffs for Airports and Air Navigation Services*, including various passenger ticket taxes and fuel taxes. The General Fund derives its revenue primarily from individual and corporate income taxes and payroll taxes. The Trust Fund finances all FAA capital costs (including airport improvement grants, facilities and equipment, and research and development) and a portion of FAA operation costs. The General Fund finances a portion of FAA operations costs.

While the FAA collects several user fees (such as overflight fees and nominal civil aviation registry fees) these fees taken together represent less than one half of one percent of FAA's funding base. It is also important to note that within the United States, there is a significant difference between a user fee and an excise tax. A user fee is, in principle, a cost-based charge paid by the direct beneficiary of a government service based on the level of service provided. An excise tax generally does not vary based on the level or cost of service received, but rather takes one of two forms: a unit tax or an ad valorem tax.

With respect to both air navigation and airport facility tariffs, the United States complies with Article 15 of the *Convention on International Civil Aviation* and endeavours to maintain conformity with the *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082). It is general policy of the U.S. Government that federal support of transportation services should be recovered by user charges whenever possible in a fair and equitable manner. Pursuant to this policy, the U.S. Government has a system of aviation user taxes to recover a substantial portion of the cost it incurs in providing aviation facilities and services.

Revenue from the following taxes is deposited in the Airport and Airway Trust Fund, which funds the FAA as described above are:

- passenger ticket tax and domestic segment tax;
- international, Alaska and Hawaii taxes;
- cargo waybill tax;
- frequent flyer tax; and
- fuel taxes.

Other major federal taxes are:

- security service fee;
- passenger facility charges;
- international arrival inspection and service fees;
- leaking underground storage tank tax; and
- overflight fees.



## URUGUAY

SOURCE DATED: 27 APRIL 1999.

“The governmental policy of the Eastern Republic of Uruguay has been to review the airport charges for the use of air navigation facilities periodically, to bring their costs into line with fluctuations in input costs and salaries occurring in the period.”

## UZBEKISTAN

SOURCE DATED: 13 JUNE 2008.

### Airports

“The policy regarding charges levied in Uzbekistan’s airports is based on the provisions of Article 15 of the *Convention on International Civil Aviation*. The rate of levy for airport charges is calculated on the basis of the allocation of direct expenditures for the net cost of the service provided. Fee levels for airport charges are periodically reviewed based on the modernization or reconstruction of airports.

The charge rate for take-off and landing, the charge for services for passengers, cargo, post and oversized luggage at airports in the Republic of Uzbekistan for residents of the Republic of Uzbekistan (carrying out air transport within the Republic of Uzbekistan), shall be regulated and monitored by the State.”

### Air navigation services

“We determine the cost basis for air navigation service charges in accordance with the ICAO Doc 9161 and EUROCONTROL Doc 99.60.01 “Principles for determining the basis for calculating charges for air navigation services en route and principles for calculating fees for a unit of service” dated 1 February 1999.

The air navigation services charging system does not contravene Article 15 of the *Convention on International Civil Aviation*. There is a unified system of charges for air navigation services for all users of the airspace of the Republic of Uzbekistan.

The State carries out the economic oversight function with respect to the execution of regulatory legal acts concerning taxation, pricing and anti-monopoly policies.”

ПОСЛЕДНИЙ ИСТОЧНИК, ДАТИРОВАННЫЙ: 13 ИЮНЯ 2008Г.

### Аэропорты

“Политика в отношении аэропортовых сборов, взимаемых в аэропортах Узбекистана основана на условиях 15 статьи Конвенции. Расчёт ставок аэропортовых сборов осуществляется на основе отнесения прямых затрат на себестоимость предоставляемой услуги. Уровни тарифов аэропортовых сборов периодически пересматриваются на основе модернизации или реконструкции аэропортов.

Тариф на сбор за взлет-посадку, сбор за обслуживание пассажиров, груза, почты и сверхнормативного багажа в аэропортах Республики Узбекистан для резидентов Республики Узбекистан, осуществляющих воздушные перевозки внутри Республики Узбекистан регулируются и контролируются государством.”

### Поставщики Аэронавигационных Услуг

“При определении стоимостной основы для взимания сборов за аэронавигационное обслуживание руководствуются DOC 9161 ( ИКАО) и DOC 99.60.01 EUROCONTROL «Принципы установления базы для исчисления сборов за аэронавигационное обслуживание на маршруте принципы расчета тарифов на единицу услуги» от 01.02.1999г.

Система сборов за аэронавигационное обслуживание не противоречит статье 15 Конвенции о международной гражданской авиации. Существует единая система сборов за аэронавигационное обслуживание для всех пользователей воздушного пространства Республики Узбекистан.

Государство осуществляет функцию экономического надзора в вопросах исполнения нормативных законодательных актов налоговой, ценовой и антимонопольной политики.”

## **VANUATU**

SOURCE DATED: 8 SEPTEMBER 1986.

“...it is Government Policy to review charges annually...”

## **VENEZUELA**

SOURCE DATED: 29 JANUARY 1988.

“Venezuela will monitor airport and navigation aid tariffs, on a permanent basis, so that a periodic review of these tariffs can be made, weighing the operational costs, the impact of inflation, the continual increases in the costs of purchasing, installing and maintaining radio aid and aeronautical communications system as well as the devaluation of our national currency as of 18 February 1983, in order to update the corresponding tariffs, the purpose being to support the programmes for upgrading the aeronautical services in our country.”

REFERENCIA: 7 DE JULIO DE 2008.

### **Aeropuertos**

“En general, para la fijación de los derechos aeroportuarios no se dispone de una contabilidad de costos por servicios que permita llegar a establecer el costo total de proporcionar el aeropuerto y sus servicios auxiliares esenciales, incluyendo costo de capital, depreciación de bienes, costos de mantenimiento, explotación, dirección y administración.

En algunos aeropuertos la forma presupuestaria como financiera no desagrega sus costos en función del servicio a los pasajeros y servicio a las aeronaves, debido a que la estructura administrativa no se distribuye por centros de costos.

En algunos aeropuertos al fijar la tasa aeroportuaria al pasajero se considera el costo total de proporcionar y mantener las áreas dentro del terminal aeroportuario. No obstante, las tasas de estacionamiento y aterrizaje no se fundamentan en una base de costos.

Se establecen derechos aeroportuarios para todos los usuarios de los aeropuertos (pasajeros y líneas aéreas) sin distinguir entre criterios de utilización de instalaciones y servicios, diferentes usuarios, etc.

No se realiza una separación entre los costos relativos al suministro de control de aproximación y de aeródromo.

Algunos aeropuertos no logran obtener ingresos suficientes para cubrir la totalidad de gastos directos e indirectos de explotación.

En la fijación de derechos aeroportuarios no se considera el análisis de beneficio costo. Los derechos aeroportuarios son fijados en base a metas de ingresos.”

### **Servicios de navegación aérea**

“Con el objetivo de cumplir con lo establecido en la Ley de Aeronáutica Civil de la República Bolivariana de Venezuela y con las Políticas de la OACI sobre los servicios de navegación aérea, el Instituto Nacional de Aeronáutica Civil (INAC) realizó el “Estudio de Costos del INAC Venezuela 2007” con la Cooperación Técnica de la OACI (Proyecto OACI VEN/04/805).

En este sentido, ya se dispone de una “Base de costos para fijar derechos por servicios de navegación aérea” y asimismo se están implementando las observaciones y recomendaciones realizadas en el mencionado estudio.

En la fijación de derechos por servicios a la navegación aérea no se dispone de una contabilidad de costos por servicios que permita llegar a establecer claramente el costo total, incluyendo costo de capital, depreciación de bienes, gastos de mantenimiento, explotación, gestión y administración.

La contabilidad de los servicios de la navegación aérea se lleva asociada a las diferentes gerencias y/o oficinas que se relacionan con el servicio, es decir, Gerencia General de Servicios a la Navegación Aérea, Oficina de Recursos Humanos, etc.

No se establece una separación entre los costos de los servicios de navegación aérea proporcionados durante la fase de aproximación y de aeródromo de las operaciones de las aeronaves.

Los servicios de navegación aérea, en algunos años, no producen suficientes ingresos para cubrir todos los gastos de explotación directos e indirectos.

En la fijación de derechos por servicios a la navegación aérea no se considera el análisis de beneficio costo.

El sistema de imposición no considera el costo de proporcionar servicios de navegación aérea y la eficacia de los servicios prestados. En este sentido no tiene en consideración la situación económica y financiera de los usuarios directamente afectados y, por otra la del Estado.

Los derechos por los servicios de navegación aérea son fijados en base a metas de ingresos.

Actualmente la Autoridad Aeronáutica (Instituto Nacional de Aeronáutica Civil) es el único proveedor de los servicios de apoyo a la navegación aérea en la Región de Información Aeronáutica (FIR) de la República Bolivariana de Venezuela.

En este sentido y de acuerdo con lo establecido en el Artículo 15 de la Ley de Aeronáutica Civil de la República Bolivariana de Venezuela, “los recursos financieros para la administración de la aeronáutica civil procederán de los ingresos que le correspondan por concepto de asignaciones presupuestarias ordinarias y extraordinarias, (...) de los derechos por servicios de vigilancia de la seguridad operacional, de navegación aérea, inspección, certificación y emisión de permisos, licencias y otros documentos, demás bienes y derechos que obtenga por cualquier título y los obtenidos de las sanciones administrativas, los cuales serán regulados, fijados, recaudados y gestionados por la Autoridad Aeronáutica.

La Autoridad Aeronáutica establecerá la estructura de costos para cumplir con sus funciones, la cual será la base del cálculo para fijar los derechos establecidos en la presente Ley.

En este sentido, el Instituto Nacional de Aeronáutica se encuentra en estudio de la base de costos de los servicios a la navegación aérea, establecida en el “Estudio de Costos del INAC Venezuela 2007” con la Cooperación Técnica de la OACI (Proyecto OACI VEN/04/805).”

## **YEMEN**

SOURCE DATED: 8 AUGUST 1981.

“Landing and storage charges are subject to change from time to time in accordance with prevailing economic circumstances taking into account the recommendations of ICAO and Arab Organizations on one hand, and the need to reconcile them with rising airport construction costs and the cost of navigation aids as well as our local commitments on the other.”

**ZAMBIA**

SOURCE DATED: 27 MARCH 1998.

“It is the policy of the Republic of Zambia that charges both for airports and air navigation facility charges comply with Article 15 of the *Convention on International Civil Aviation*. The Republic further endeavours to maintain conformity with the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082).

It is the general policy of the Government that charges so imposed are not discriminatory in any way for all international air transport and to ensure that charges are not so high so as to discourage the use of the facilities and services necessary for air safety.

It is the policy of the Government for the time being not to require the users of our airports to ultimately bear their full and fair share of the cost of providing the airport as provided for in Doc 9082, paragraphs 21 and 22 - ‘The cost basis for airport charges’.

As regards Passenger Services Charges, the policy of the Government is to collect the charges from persons/passengers themselves. Charges are collected from international and domestic passengers at different rates.

All charges are subject to review from time to time as circumstances require.”

**ZIMBABWE**

SOURCE DATED: 19 APRIL 1994.

Landing fees “are being looked into together with en-route navigation charges”.

— END —