## INTERNATIONAL CIVIL AVIATION ORGANIZATION

North American, Central American And Caribbean Regional Office

# ICAO AIRPORT PRIVATIZATION SEMINAR FOR THE NAM/CAR/SAM REGIONS

(Guatemala, 13 – 16 December 1999)

#### REPORT

## PART I - GENERAL

# 1.1 Introduction

The first ICAO Airport Privatisation Seminar for the NAM/CAR/SAM regions was held in Guatemala during the period from 13 to 16 December. The seminar was hosted by the DGAC of Guatemala and organized by the ICAO NACC Regional Office, supported by both the Airport and Route Facilities Management section of the Air Transport Bureau and the Aerodromes and Ground Aids section of the Air Navigation Bureau.

The venue for the seminar was the Camino Real Hotel in Guatemala City.

The opening ceremony presidium included the following:

Mr Jorge Fidel Franco Suchini – Minister of Communications, Infrastructure and Housing

Mr Renato Claudio Costa Perreira – ICAO Secretary General

Mr Manuel Salvador Polanco Ramirez – Advisor to the DGAC Guatemala

Mr Raymond Ybarra – ICAO Regional Director

The closing ceremony presidium included the following:

Mr Manuel Salvador Polanco Ramirez – Advisor to the DGAC Guatemala

Mr Luis Alfonso Fonseca – ICAO Regional Officer Air Transport

Mr Michiel Vreedenburgh – ICAO Regional Officer Aerodromes and Ground Aids

# 1.2 Objectives of the Seminar

The objectives of the seminar were as follows:

 Promote a broader knowledge on the ICAO position with regard to private sector participation in the ownership, management and operation of airports and reiterate the unaltered paramount obligations of ICAO member States in accordance with the Convention on International Civil Aviation. • Foster a forum for the exchange of knowledge and experience on airport privatisation between States, ICAO and international organizations.

# 1.3 Participation

A total of 58 delegates from nine States, three international organizations, two regional organizations, one international airport operator and two consulting firms participated in the seminar. A complete list of participants is included in Appendix A of this report.

# 1.4 Programme

The seminar was held over a 4 day period and a programme of the events is included in Appendix B of this report.

# 1.5 Material

A total of 13 papers were presented at the seminar by representatives from ICAO HQ (AGA and ARFM Sections), ICAO Regional Offices in Mexico and Lima (AGA and AT), Colombia, ACI, IATA, CLAC, an airport operator and 2 specialist consultants. The titles of the papers presented and the conclusions developed at the seminar are included in Part II of this report. Digital file copies of papers and presentations are available for viewing, printing and downloading on the web page for the ICAO Regional Office for North America, Central America and the Caribbean at following Internet address – http://www.icao.int/nacc/.

# PART II - REPORT ON PAPERS PRESENTED AND DISCUSSIONS

# 2.1 List of documents presented to the Seminar

The following papers were presented at the seminar:

- 1. Privatisation in the Provision of Airports and Air Navigation Services ICAO, Consultant
- Privatisation of Airports Role of the Regulatory Authorities A Safety Perspective ICAO, Chief Aerodromes and Ground Aids
- 3. New Trends in Airport Ownership and Relations with State Authorities Airports Council International, Director General
- Control and Monitoring Measures States should apply in a Privatised Airports Environment ICAO, NACC Regional Officer Air Transport
- Airport Operational Efficiency ICAO, NACC Regional Officer Aerodromes and Ground Aids
- 6. Privatisation Processes in the Region ICAO, SAM Regional Officer Air Transport and LACAC, Secretary
- Privatisation of Airports The Economic Effect on Airlines the Position of IATA and AITAL IATA, Manager User Charges
- 8. Airport Commercialisation as an Alternative to Privatisation Sypher Mueller, Partner
- Risk and Due Diligence in Airport Privatisation Halcrow AirPlan, Director
- 10. Mexico Case Study
  Copenhagen Airports, Vice-President
- 11. Airport Privatisation Process in Colombia
  Aeronautica Civil Colombia. Concessions Consultant
- 12. Canadian Airport Devolution Lessons Learned Sypher Mueller, Partner
- 13. Restructuring in the Air Transport Sector Halcrow AirPlan, Director

A draft list of definitions of terminology related to private sector participation in the ownership, management and operation of airports, which was prepared by ICAO for the purpose of future inclusion in any related document, was circulated amongst delegates for comments. This list of definitions is include in Appendix C of this report.

# 2.2 Summary of ICAO Position on Airport Privatisation

The following points were reiterated throughout the seminar regarding ICAO's position with regard to airport privatisation:

- 1. In accordance with the Convention on International Civil Aviation, States cannot delegate their obligations and responsibilities to ensure the safety, security, efficiency and economics of airport services to a private entity. National aeronautical legislation and regulation should adequately reflect this principle.
- 2. ICAO is neither for nor against airport privatisation. ICAO does recommend the establishment of autonomous authorities for the management and operation of airports, with operational and financial independence to undertake these functions, where this is in the best interest of airport service providers and users. Autonomous authorities are independent entities which can be of either public or private ownership.
- 3. The Principles contained in the following ICAO documents should be consulted and adopted, where appropriate, for the management of airports, whether public or private:
  - Annexes to the Convention on International Civil Aviation
  - Statements by the Council to Contracting States on Charges for Airports and Air Navigation Services
  - Airport Economics Manual

# 2.3 Conclusions

The following conclusions were reached by States represented at the Seminar:

- 1. The objective of States should be the commercialisation of the management and operation of airports, where this will result in benefits to the States.
- 2. States should consider commercialisation as an alternative to, or as interim step towards, airport privatisation where this process can generate sufficient revenue for operations and capital funding.

- Airport commercialisation and privatisation must not be implemented at the expense of safety and security. States must at all times be conscious of their roles, obligations and responsibilities in accordance with the Convention on International Civil Aviation, including ensuring the safety and security of airport and aircraft operations.
- 4. The processes of privatisation or concession of airports should take into account the following:
  - Determination of the strengths and weaknesses of the aeronautical authority to establish specific objectives and requirements, and eventually the best option, for the management of airports, always maintaining the control as the aeronautical authority
  - The institutional strengthening of the aeronautical authority, especially its capability to control and audit the airport management and operation concession, prior to planning and implementing any process
  - Obtain the required technical, financial and legal advice to assist in the selection of the best model to suit the particular conditions
  - The aeronautical authority should lead the entire process, seeking the active participation of the appropriate stakeholders to ensure conformance with and support towards the advancement of the process implementation
- 5. ICAO should develop a document which contains the most important technical, financial and legal aspects to be taken into account by the aeronautical authorities when these processes of airport privatisation and concession are implemented.
- 6. The particular circumstances of airports in small States, especially islands, including economic and social aspects, must be considered in evaluating privatisation options.

# 2.4 Additional Comments

The following additional comments were also made during the discussions session:

- The privatisation of airports and air navigation services should be considered separately due to the significant differences in the nature of infrastructure and services provided.
- The implementation of airport privatisation processes should be preceded, as appropriate, by the establishment of appropriate airport authorities and the airport commercialisation.

- States' aeronautical authorities, if not leading the process, should at least play a significant role in the airport privatisation process from the initial planning through to the implementation stage.
- States should ensure that adequate aeronautical legislation and specific regulations are adopted prior to implementing airport privatisation and concession programmes.
- Future similar ICAO events on the matter should consider a title different to "Airport Privatisation" to reflect better the wide range of subjects covered in the proceedings.

#### **APPENDIX A**

## **LIST OF PARTICIPANTS**

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# **APPENDIX B**

# **EVENTS PROGRAMME**

Day 1 – Monday 13 December	
08:00 - 08:30	Registration of Participants
09:00 - 09:30	Opening Ceremony
09:30 - 10:00	Coffee Break
10:00 - 12:00	Mr. Tulsi Kesharwani, Consultant, ICAO Privatization in the Provision of Airports and Air Navigation Services
12:00 - 12:30	Coffee Break
12:30 - 13:30	Mr. Arun Rao, Chief, Aerodromes and Ground Aids Section, ICAO Airport Privatization - Role of the Regulatory Authorities – A Safety Perspective
13:30 - 14:30	Mr. Jonathan Howe, Director General, Airports Council International New Trends in Airport Ownership and Relations with State Authorities
Day 2 – Tuesday 14 December	
09:00 - 09:30	Mr. Luis Alfonso Fonseca, Regional Officer, Air Transport, ICAO Control and Monitoring Measures States should apply in a Privatized Airports Environment
09:30 - 10:00	Mr. Michiel Vreedenburgh, Regional Officer, Aerodromes and Ground Aids, ICAO Airport Operational Efficiency
10:00 - 10:30	Coffee Break
10:30 - 11:30	Mr. Marco Ospina Yepez, Regional Officer, Air Transport, ICAO/Secretary of CLAC Privatization Processes in the Region

11:30 - 12:30 Mr. Jaime Escobar, Manager User Charges, International Air Transport

Airport Privatization – The Economic Effect on Airlines

12:30 - 13:00 Coffee Break

Excursion to Antigua organized by DCA Guatemala

Association

# Day 3 – Wednesday 15 December

- 09:00 10:00 Mr Michael Anders, Partner, Sypher Mueller International Airport Commercialization As An Alternative to Privatization
- 10:00 11:00 Mr Victor Craig, Director, Halcrow AirPlan Risks and Due Diligence in Airport Privatization
- 11:00 11:30 Coffee Break
- 11:30 12:30 Mr. Kjeld Binger, Vice President, Copenhagen Airports Mexico Case Study
- 12:30 13:30 Dra. Clara Esperanza Caceres Wills, Consultor Concesiones, Colombia The Airport Privatization Process in Colombia
- 13:30 14:00 Coffee Break
- 14:00 15:00 Mr. Michael Anders, Partner, Sypher Mueller International Lessons learned from the Canadian Airport "Privatization" Process

# Day 4 – Thursday 16 December

- 09:00 10:00 Mr Victor Craig, Director, Halcrow AirPlan Restructuring in the Air Transport Sector
- 10:00 10:30 Coffee Break
- 10:30 11:30 Discussions and Conclusions on Airport Privatization
- 11:30 12:00 Coffee Break
- 12:00 12:30 Closing Ceremony

## **APPENDIX C**

# DRAFT DEFINITIONS OF DIFFERENT TERMS USED IN THE CONTEXT OF PRIVATIZATION IN THE PROVISION OF AIRPORTS AND AIR NAVIGATION SERVICES

## PREPARED BY ICAO CONSULTANT FOR COMMENTS AND SUGGESTIONS

**Privatization.** Direct involvement of private sector in the ownership or management of certain facilities and services, through a management contract, a lease, participation in equity, outright sale or a significant participation in the ownership or management of a major part of the facilities and services.

**Private participation/Private involvement.** Minority participation or involvement in the ownership or management of certain facilities and services or significant participation or involvement in a major part of the facilities and services.

**Corporatization.** Creation of a legal entity outside government to manage certain facilities and services, either through a specific statute, legal instrument, charter or under an existing statute.

**Commercialization.** An approach to management of facilities and services in which commercial principles are applied or emphasis is given on development of commercial activities.

**Business principles**. An approach to management of facilities and services in which commercial considerations have a priority.

**Joint sector participation.** An ownership and management structure in which the private and the government sectors both participate.

**Joint venture**. An enterprise with more than one major partner.

**Wraparound Addition.** Expansion and improvement of an existing government facility and management by a private entity.

**Lease.** The right to occupy certain defined premises or posses some equipment for a fixed period, which may be used for business purposes.

**Long-term lease.** A lease of a facility for a period of 20 years or more.

**Medium-term or short-term lease**. A lease of a facility for a period of less than 20 years.

**Build, Operate and Transfer.** An ownership and management system by which a private entity obtains certain facility on lease to build and operate and at the end of the lease returns it to the owner.

**Build, Own, Operate and Transfer.** This is similar to Build, Operate and Transfer system except that the private entity takes over ownership of the facility during construction.

**Build, Transfer and Operate.** An ownership and management system by which a private entity designs, finances, and builds certain facility and retains its ownership during the construction

period. After completion of construction the ownership is transferred back to original owner and thereafter the private entity leases the facility.

**Lease, Develop and Operate.** A system similar to Build, Operate and Transfer but with a relatively longer-term lease.

**Build, Own and Operate.** A system of ownership and management by which a private entity builds the premises or facility, owns and operates it on a perpetual basis.

**Buy, Build and Operate.** A system similar to Build, Own and Operate except that some facility may be existing which the private operator buys before he starts building.

**Management Contract**. A system of management by which a private entity takes over the management of a facility for a fixed period on the basis of predetermined payment terms.

**Franchising.** A system of ownership and management in which a private entity is delegated the responsibility of ownership, financing and operation of certain facilities.

**Equity**. An interest of an ownership nature, as distinguished from an interest of creditor nature.

**Sale of equity.** Sale of shares of a company.

**Major stake in equity**. Over 50 percent share in equity.

**Minor stake in equity.** Lower than 50 percent share in equity.

**Share flotation.** Offer of shares for sale in stock market.

**Divestiture.** Transfer of ownership of a facility from government to private sector which can be in stages.

**Outright trade sale.** Sale of a facility without any restriction on its use, except by the regulatory authority.

**Freehold sale.** This has the same meaning as outright trade sale.

# **APPENDIX D**

# PROCEEDINGS PAPERS AND PRESENTATIONS