



24 January 2008

Transmittal Note

SUPPLEMENT No. 3 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 24 January 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.

SUPPLEMENT No. 3 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. To minimize the work involved, 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*) and 41 (*Air navigation services charging systems*) of Doc 9082. In order to collect this information a questionnaire was sent to States under cover of two State letters, EC 2/89-01/32 dated 6 April 2001 and EC 2/89-02/17 dated 7 March 2002. International organizations (ACI and IATA) were also consulted on the project.

The information contained in the following pages pertaining to national charging policies, practices and their implementation includes, in Part A, a compilation of the responses from States to the questionnaire, 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 will, in the future, only be published in the present Supplement and no longer be included in Doc 7100.

January 28, 2008

International Civil Aviation Organization

PART A: ANALYSIS OF STATES' RESPONSES TO THE QUESTIONNAIRE**1. CONTRACTING STATES AND TERRITORIES WHICH HAVE RESPONDED THAT THEY COMPLY WITH ICAO'S POLICIES ON CHARGES****1.1 Airport Charges**

The Contracting States listed below have notified that their national regulations and practices are in compliance with the principles in paragraphs 22 and 23 of *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082/6).

<i>State</i>	<i>Date of notification</i>	<i>State</i>	<i>Date of notification</i>
Angola	26 July 2001	Maldives	8 July 2001
Argentina	17 August 2001	Malaysia	17 May 2002
Australia	6 July 2001	Mexico	23 April 2002
Austria	6 July 2001	Monaco	14 July 2003
Bahrain	10 July 2002	Netherlands	3 July 2001
Belgium	2 October 2003	New Zealand	12 June 2001
Botswana	5 December 2001	Norway	28 June 2001
Brazil	11 July 2001	Panama	29 May 2002
Bulgaria	23 May 2002	Papua New Guinea	8 May 2002
Burundi	6 July 2002	Philippines	10 April 2002
Canada	16 July 2001	Portugal	3 July 2001
Chile*	6 July 2001	Republic of Korea	1 August 2001
China	11 July 2001	Republic of Moldova	17 July 2003
Colombia	22 April 2002	Romania	6 July 2001
Costa Rica	20 August 2001	Russian Federation	27 December 2001
Cuba	29 August 2003	Saudi Arabia	6 May 2002
Cyprus	17 December 2001	Seychelles	14 June 2002
Czech Republic	26 June 2001	Singapore	26 July 2001
Denmark	19 June 2001	Slovakia	22 May 2002
Ecuador	14 June 2001	Spain	29 June 2001
Egypt	13 December 2001	Sri Lanka	27 August 2003
Estonia	5 July 2001	Suriname	25 June 2001
Ethiopia	17 June 2002	Sweden	5 July 2001
Finland	29 May 2001	Switzerland	5 July 2001
France	15 August 2001	Thailand	24 July 2001
Germany	27 June 2001	The former Yugoslav Republic of Macedonia	8 October 2002
Greece	3 July 2001	Turkey	8 August 2003
Hungary	18 June 2002	Uganda*	13 August 2003
India	13 June 2002	Ukraine	12 July 2001
Ireland	22 May 2002	United Kingdom	28 June 2001
Israel	30 May 2002	United Republic of Tanzania	7 December 2001
Italy	4 August 2001	United States	5 September 2001
Kuwait	4 July 2001	Uzbekistan	31 May 2002
Lithuania	24 May 2001	Vanuatu	17 May 2001
Madagascar	16 May 2002		
Malawi	7 October 2003		

* No indication regarding paragraph 22.

1.2 Air Navigation Services Charges

The Contracting States listed below have notified that their national regulations and practices are in compliance with the principles in paragraphs 38, 39, 40 and 41 of ICAO's *Policies on Charges for Airports and Air Navigation Services* (Doc 9082/6).

<i>State</i>	<i>Date of notification</i>	<i>State</i>	<i>Date of notification</i>
Angola	26 July 2001	Malaysia	17 May 2002
Argentina	17 August 2001	Malta	29 May 2002
Australia	6 July 2001	Mexico	23 April 2002
Austria	6 July 2001	Netherlands	30 September 2003
Bahrain	10 July 2002	New Zealand	12 June 2001
Belgium	2 October 2003	Norway	28 June 2001
Botswana	5 December 2001	Panama	29 May 2002
Brazil	11 July 2001	Papua New Guinea	8 May 2002
Bulgaria	23 May 2002	Philippines	10 April 2002
Burundi	6 July 2002	Portugal	3 July 2001
Canada	16 July 2001	Republic of Korea**	1 August 2003
Chile*	6 July 2001	Republic of Moldova	17 July 2003
China	11 July 2001	Romania	6 July 2001
Colombia	22 April 2002	Russian Federation	27 December 2001
Costa Rica	20 August 2001	Saudi Arabia	6 May 2002
Cuba	29 August 2003	Seychelles	14 June 2002
Cyprus	17 December 2001	Singapore	26 July 2001
Czech Republic	26 June 2001	Slovakia	22 May 2002
Denmark	19 June 2001	Slovenia	31 May 2002
Ecuador	15 August 2003	Spain	29 June 2001
Egypt	13 December 2001	Sri Lanka	27 August 2003
Estonia	5 July 2001	Suriname	25 June 2001
Ethiopia	17 June 2002	Sweden	5 July 2001
Finland	29 May 2001	Switzerland	5 July 2001
France	15 August 2001	Thailand	24 July 2001
Germany	27 June 2001	The former Yugoslav Republic of Macedonia	8 October 2002
Greece**	3 July 2001	Turkey	8 August 2003
Hungary	18 June 2002	Uganda*	13 August 2003
India	13 June 2002	Ukraine	12 July 2001
Ireland	22 May 2002	United Arab Emirates	3 September 2001
Israel	30 May 2002	United Kingdom	28 June 2001
Italy	4 August 2001	United Republic of Tanzania	7 December 2001
Kenya	1 August 2001	United States	5 September 2001
Lithuania	24 May 2001	Uzbekistan	31 May 2002
Madagascar	16 May 2002	Vanuatu	17 May 2001
Malawi	7 October 2003		
Maldives	8 July 2001		

* No indication regarding paragraphs 38, 39 and 40.

** No indication regarding paragraph 41.

2. CONTRACTING STATES WHICH HAVE RESPONDED THAT THEIR PRACTICES ARE NOT FULLY IN COMPLIANCE WITH ICAO'S POLICIES ON CHARGES

2.1 Airport Charges

The Contracting States listed below have responded that their national regulations and practices are not (or not fully) in compliance with the principles in paragraphs 22 and 23 of *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082/6).

<i>State</i>	<i>Date of notification</i>	<i>Compliance with paragraph</i>	
		<i>22</i>	<i>23</i>
Malta	29 May 2002	no	yes
Pakistan	5 July 2001	no	no
Paraguay	29 May 2002	no	yes
Peru	20 June 2002	no	yes
Poland	18 July 2001	no	yes
Syrian Arab Republic	9 July 2001	no	yes
United Arab Emirates	17 August 2003	no	yes

2.2 Air Navigation Services Charges

The Contracting States listed below have responded that their national regulations and practices are not (or not fully) in compliance with the principles in paragraphs 38, 39, 40 and 41 of *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082/6).

<i>State</i>	<i>Date of notification</i>	<i>Compliance with paragraph</i>		
		<i>38 – 39</i>	<i>40</i>	<i>41</i>
Pakistan	5 July 2001	no	no	no
Paraguay	29 May 2002	no	no	yes
Peru	20 June 2002	no	no	yes
Poland	18 July 2001	no	no	yes
Syrian Arab Republic	9 July 2001	yes	no	yes

3. CONTRACTING STATES WHICH HAVE RESPONDED, BUT GAVE NO CLEAR INDICATION WHETHER THEY COMPLY OR NOT WITH ICAO'S POLICIES ON CHARGES

3.1 Airport Charges

Contracting States listed below have responded to the questionnaire, but did not clearly indicate their practices.

<i>State</i>	<i>Date of notification</i>
Cameroon	11 July 2001
Guyana	27 June 2003
Uruguay	10 June 2002

3.2 Air Navigation Services Charges

Contracting States listed below have responded to the questionnaire, but did not clearly indicate their practices.

<i>State</i>	<i>Date of notification</i>
Cameroon	11 July 2001
Guyana	27 June 2002
Kenya	30 May 2001
Uruguay	10 June 2002

4. CONTRACTING STATES WHICH HAVE NOT RESPONDED TO THE QUESTIONNAIRE

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

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."

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.

ÚLTIMA 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.”

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.”

AUSTRIA

SOURCE DATED: 31 July 2007.

“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.

Airport charges are kept under constant review and adjustments at the airports of Vienna, Salzburg, Innsbruck 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 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.”

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).”

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 1st 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.”

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: 1 May 2007.

“The general aviation must pay cash (US 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: 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*.

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: 26 June 2007.

“The Air Services Charges Regulations (ASCR) are under review. The 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.

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*.”

SOURCE DATED: 15 September 2003.

Airports

“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

“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 has been no appeal”.

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.”

ÚLTIMA 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.”

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 Services* (Doc 9082/6).”

CHINA/Hong Kong (SAR)

SOURCE DATED: 28 May 2001.

Airports

“The economic regulation is carried out by the Civil Aviation Department of the Special Administrative Region of Hong Kong, but charges are set by the Airport Authority of Hong Kong in accordance with the Schemes of Airport Charges under the control of the Civil Aviation Department.”

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.”

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.”

ÚLTIMA 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.”

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.

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.”

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.”

Air Navigation Services

“The IACC has delegated to the Empresa Cubana de Aeropuertos y Servicios Aeronáuticos the management of the administration and the collection of charges for air navigation services. This is therefore a State function delegated to a State entity. In this regard, the IACC regulates this activity in a regulatory and methodological manner.”

ÚLTIMA 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.”

Servicios de navegación aérea

“El IACC a delegado en la Empresa Cubana de Aeropuertos y Servicios Aeronáuticos la gestión de administración y cobro de los derechos por servicios de navegación aérea, por lo que constituye una función estatal delegada a una entidad estatal. En este sentido el IACC regula normativa y metodológicamente la actividad.”

CYPRUS

SOURCE DATED: 29 March 1999.

“Airport and air navigation facility charges are revised from time to time as the need arises. Air navigation charges are calculated in accordance with EUROCONTROL charging system.”

CZECH REPUBLIC

SOURCE DATED: 7 June 2004.

“Pursuant to relevant ICAO documents and directives the level of Airport and Air Navigation Service Charges is established subject to discussion and consultations among operators and users. National Administration (NAD) controls whether the operators comply with provisions of directives and international agreements related to Airport and Air Navigation Service Charges and cost-recovery policy. However, the level of charges is not subject to approval by NAD. 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.”

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.

“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.

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.

In 2004, all civil aircraft crossing the North Atlantic north of 45° N will be charged 105.97 Danish Krone 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. As of 1 January 2004 this fee will be U.S.\$ 1.42 per crossing.

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.”

ÚLTIMA 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;
- 3) that the established system should further ease application.”

(١) هيئة ميناء القاهرة الجوي (٢) الشركة المصرية للمطارات لباقي 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 والتشغيلي على هذه الأسس لكل المطارات المصرية للبناء والاعداد والادارة والاستثمار.

الشركة المصرية القابضة للطيران وتتبعها 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 وتتبعها 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 وتتبعها 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 – اتفاقية شيكاغو).

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.”

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.”

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;
- 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).”

DERNIÈRE 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.”

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.”

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.”

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.”

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 U.S.\$ 61.00, in 2004, 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. As of 1 January 2004 this fee will be U.S.\$ 1.42 per 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.”

INDONESIA

SOURCE DATED: 26 August 1986.

“In providing route air navigation facility service for the operators, the Indonesian 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 Indonesian Government has only implemented partly to recover from the actual cost.

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

IRAN (ISLAMIC REPUBLIC OF)

SOURCE DATED: 6 June 1994.

“No changes are made to Iran's policy which is to recover certain parts of the related costs.”

IRELAND

SOURCE DATED: 20 March 1989.

“This country's general charging policy is based on the principle that the users of the airports should bear the full cost of the facilities provided and the full cost of operation. The levels of the various charges at the airports are fixed and periodically reviewed in accordance with this principle. The ultimate aim is that the airports should operate on a fully commercial basis.”

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: 22 May 2002.

“The determination in Ireland of airport charges and aviation terminal services charges is carried out by an independent statutory body, the Commission for Aviation Regulation. This Commission was established in February 2001 following the coming into force of the Aviation Regulation Act, 2001.

A copy of the Aviation Regulation Act, 2001, which sets out, inter alia, the Commission's functions and obligations is available on the Home Page of the Commission's website, www.aviationreg.ie.

It should be noted that the remit of the Commission for aviation Regulation extends only to terminal services charges. En route charges are determined by the Irish Aviation Authority."

"The Commission's policies and practices generally accord with the principles set out in paragraph 22 of ICAO's Policies on Airport Charges. Additionally, the Commission has also had regard to the principles of efficiency, which is a statutory objective of the Commission laid down in Section 33 of the Aviation Regulation Act, 2001, but which is not mentioned by ICAO.

The Commission statutory functions in respect of such charges extend to terminal service charge. Policy on determination of such generally accords with ICAO principles set out in paragraphs 38 and 39. As regards the allocation of costs among users, terminal charges are on per tonne basis and therefore would appear to be equitable among international, domestic and other users classes."

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 Interministeriale 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.”

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: 15 May 2002.

Air Navigation Services

The tariff policy of the Government of Kenya is based on the principles set forth in the ICAO policy guidelines.

The Government of Kenya aspires in principle to recover all costs of air navigation facilities from users.

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).”

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: 19 May 2006.

“The policy of the Republic of Lithuania on airport and air navigation facility tariffs is in general in conformity with the provisions in the *ICAO’s Policies on Charges for Airports and Air Navigation Services* (Doc 9082).”

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).”

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.”

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.”

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: 11 June 2002.

“An airport security charge of Lm 0.55 for every passenger departing from Malta International Airport on international flights will be introduced from 1 April 2003. This charge will not apply to children under the age of two years and aircraft crew members.

Air navigation facility tariffs will be amended as necessary on 01 January 2001 in accordance with the EUROCONTROL route charges system.”

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.”

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.”

ÚLTIMA 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.”

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.”

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.”

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.”

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.”

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).”

ÚLTIMA 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.”

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.”

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.

To cover expenses related to Chisinau International Airport modernization, being carried out in 1999-2000, the modernization fee on amount USD 14 per each departing passenger has been established.

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

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."

RUSSIAN FEDERATION

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)*"

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: 20 March 2000.

“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.”

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.”

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...”

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.”

ÚLTIMA 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.”

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.”

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: 16 July 2007.

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. Further regulatory works for detailed provision planned to be terminated by end 2002.”

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.”

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: 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.”

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.”

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 “Укразрорух” – 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 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.”

Air Navigation Services

“National Air Traffic Services (En Route) plc (NATS) provides air traffic control services to aircraft flying in UK 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 and www.nats.co.uk.”

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.

“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: 17 July 2006.

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 is intended to provide the agency with a basis from which the FAA can identify its costs by its 6 lines of business (these lines of business are Air Traffic Services, Regulation and Certification, Research and Acquisition, Civil Aviation Security, Airports, Commercial Space Transportation). Currently, the FAA has implemented its cost accounting system for its Air Traffic Organization line of business. This system provides the agency with a detailed accounting of air traffic’s oceanic, en-route, flight services, and terminal area costs. It is anticipated that the cost accounting system will be operational for all FAA lines of business by the end of FY 2006.

Consistent with ICAO guidance, the cost accounting system for the Air Traffic Organization is able to identify 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.

Today, the FAA is primarily funded from two sources: the Airport and Airway Trust Fund (\$11.7 billion FY06) and the U.S. General Fund (\$2.6 billion in FY06). Both sources derive their revenue from various forms of taxes. For example, the Trust Fund derives its revenues from various aviation excise taxes, including domestic passenger ticket taxes, head taxes on international and domestic passengers, taxes on cargo shipments and fuel charges. The General Fund derives its revenue primarily from individual and corporate income taxes and payroll taxes. Because the FAA is not entirely funded from the Trust Fund, the General Fund contribution recognizes the public interest in the aviation system.”

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 received, but rather takes one of two forms: a unit tax or an ad valorem tax.”

SOURCE DATED: 20 June 2002.

“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.

Major U.S. Federal Taxes and Fees

Passenger

Ticket and Domestic Segment

For transportation beginning in 2002, the tax on transportation of persons by air is \$3.00 for each domestic segment along with an additional ad valorem tax of 7.5 percent of the fare. A domestic segment is any segment consisting of one takeoff and one landing that is taxable transportation (i.e., transportation that begins in the U.S. or the 225-mile buffer zone. In general, if any domestic segment begins or ends at a rural airport, the segment tax does not apply to that segment. The term “rural airport” is defined as any airport: 1) where there were fewer than 100,000 commercial passengers departing by air during the second preceding calendar year from such airport; and 2) is not located within 75 miles of another airport which had 1000,000 or more commercial passengers departing by air during the second preceding calendar year, or 3) was receiving essential air service subsidies as of August 5, 1997.

International, Alaska and Hawaii

On flights between the continental U.S. and Alaska or Hawaii (or between Alaska and Hawaii), there is a tax of \$6.60 per passenger departure. For international flights, the arrival and departure taxes are \$13.20, respectively, per passenger departure. This fee does not apply to passengers simply transiting the U.S. between two foreign points.

Security

The Aviation and Transportation Security Act, passed in 2001, imposed a federal security surcharge of \$5 per one-way trip on flights originating in the U.S. to help cover the cost of aviation security. This fee went into effect on February 1, 2002. This fee also applies to passengers using frequent flyer awards for air travel but does not apply to non-revenue passengers or passengers boarding outside the U.S.

Passenger Facility

Passenger Facility Charges (PFCs) are federally authorized but levied by local airport operators who set the amounts (up to \$4.50 per enplanement, with a maximum of two PFCs per one-way trip and four per journey).

Immigration and Naturalization, Animal and Plant Inspection, and Customs

An Immigration and Naturalization Service Fee of \$7.00 (no exemptions for air passengers), an Animal and Plant Inspection Service User Fee (APHIS) of \$3.10 (arrivals from Canada are exempt), and a Customs Fee of \$5.00 are charged, respectively, for each passenger arriving in the U.S. (passengers arriving from Canada, Mexico, U.S. territories and possessions, and adjacent islands are exempt).

Shipping

A Cargo and Mail Waybill Tax of 6.25 percent is charged on domestic freight.

Sales/Operations

Frequent Flyer

A 7.5 percent tax applies to payments to airlines from banks, credit card companies, and frequent flyer program partners, such as other airlines, hotels, or rental car companies for frequent flyer and similar awards.

Animal and Plant Inspection Service

An APHIS aircraft fee of \$65.25 is applied to each international aircraft arrival (arrivals from Canada are exempt).

Fuel

A Jet Fuel Tax of 4.3¢ per domestic gallon and Leaking Underground Storage Tank Trust Fund tax of 0.1¢ per domestic gallon are charged.

Overflight

On August 20, 2001, the Overflight Fee Final Rule went into effect; this rule established fees for FAA air traffic and related services for certain aircraft that transit U.S.-controlled airspace but neither take-off from, nor land-in, the U.S. Specifically, the rates now in effect are \$33.72 per 100 nautical miles for services flown in en-route airspace and \$15.94 per 100 nautical miles flown in oceanic airspace.”

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: 11 June 2001.

“The policy of the Republic of Uzbekistan 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 Republic of Uzbekistan 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 Republic of Uzbekistan are reviewed periodically on the basis of the modernization of airports and air route facilities on international routes in the Republic of Uzbekistan and in accordance with the financial policies of the Government departments concerned.”

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.”

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 —