



States' Perspective and Implementation of ICAO's Policies on Airport and Air Navigation Services Charges

NAM/CAR/SAM Workshop on Airport Fees and Air Navigation Services

Mexico City – August 2026

Agenda

- Definition of the scope of economic regulation in Brazil
- Map of Concessions
- Regulatory Evolution
- Adherence to ICAO's Key Charging Principles

Grupo de aeroportos por regulação



Administered by Infraero

- 12 assigned by the Federal Government;

Concessioned Airports

- Concessioned by the Federal Government;
- 59 (considering the 7th round).

Operated by Sub-national Entities

- Delegation agreements with States and Municipalities;
- ~ 400 aerodromes;
- Lighter regulation.

Authorized Airports

- Public aerodromes – Private initiative;

Map of Concessions

From 2011 to 2022:

- 7 concession rounds
- 59 airports granted
- 95% passengers transportation
- 99% cargo transportation
- Airport block concession starting from 5th. round



Regulatory Evolution



1st Round

- Greenfield Project;
- Rigid price-cap model.

2nd and 3rd Rounds

- High investment prescriptive obligations, with short deadline;
- Rigid price-cap model.

4th Round

- More flexible price cap;
- Consultation;

5th, 6th and 7th Rounds

- Demand triggers for investment obligations;
- Revenue cap regulation;
- Consultation (enhanced);

- Less Governmental participation
- More detailed and realistic feasibility studies
- Less and flexible regulation

- More incentives to airport-airlines cooperation
- More rational investments obligations
- More sustainable concession fees model

Regulatory Evolution – Key regulatory elements



- Not cost-based. Predefined charges trajectory (initial charges and annual adjustments);
- Investment obligations and conditions for service provision established in the contract;
- Exhaustive risk allocation matrix, with risk allocated to the agent with the greatest capacity to manage it;
- Economic and financial rebalancing carried out through marginal cash flow when events allocated to the Government occur.

Regulatory Evolution – Revenues



ICAO DOC 9082 examples		Brazil	
Aeronautical Charges	Landing	Landing	Price Cap or Revenue Cap Regulation
	Parking and Hangar	Parking	
	Passenger Service	Boarding Connection	
	Security	-	
	Noise-Related	-	
	-	Cargo Storage	
	-	Cargo Handling	
	-	Operational (fuel supply, handling, back office, etc.)	Open access; Ensure competition; Mitigate abuse of market power; Consultation
Non-Aeronautical Charges	Revenue from concessions, rentals, and free zones, even when linked to aeronautical activities	Commercial	Freely negotiated; Non-regulated

Regulatory Evolution – Contractual Balance



Contract

- Economic and financial equilibrium agreed upon at the signing of the contract;
- Equity linked to the maintenance of the contractually agreed conditions;
- No ordinary reviews; only annual tariff adjustments apply.

Risk Matrix

- Provided that the conditions of the Contract are met and the risk allocation established therein is respected, its economic and financial equilibrium is considered to be maintained;
- The economic and financial equilibrium of the contract will be preserved through readjustment and review mechanisms.

Extraordinary Review

- The goal is to cancel out the net present value of the Marginal Cash Flow due to the events listed as risks of the granting authority;
- Increase/Reduction: Concession fees, Concession Term and/or charges.

Regulatory Evolution – Risk Matrix



Risks of the Government- Comprehensive

- New investments;
- Occurrence of force majeure events or unforeseen circumstances (e.g., the Covid pandemic);
- Unknown environmental liability/costs;
- Changes in tax legislation;
- Changes in tariff rules;
- Existence of an archaeological site;
- Delays in the release of site areas.

Concessionaire Risks - exemplifying

- Demand risk;
- Input price increases;
- Incorrect estimation of investment costs;
- Adequacy of assets and infrastructure;
- Monetary risks (exchange rate, interest rate, financing);
- Any other risks not expressly attributed to the Government.

The risk is allocated to the agent with the greatest capacity to manage it.

Adherence to ICAO's Key Charging Principles



- Non-Discrimination;
- Cost-relatedness;
- Transparency;
- Consultation with users.

All four principles are present both in national legislation and regulations, and in the concession contracts themselves.

Adherence to ICAO's Key Charging Principles

Non-Discrimination



- Brazil has a high level of adherence to this principle;

Adherence to ICAO's Key Charging Principles

Cost-relatedness



- The national regulatory framework predated the start of airport concessions and was common to concessions in the highway, railway, telecommunications, port, and energy sectors, among others;
- Need to comply with ICAO principles and national legislation;
- The utilization of this pre-existing legal framework conferred legal certainty and credibility upon the concessions, given that it constituted a model already well established and widely accepted;
- Airport concessions were granted considering the charges in effect at the time, which in a way were related to costs, although within a logic of cross-subsidies (Infraero);
- Charges related to the assignment of operational areas bear a closer relationship to costs, given that changes require a consultation process.

Adherence to ICAO's Key Charging Principles

Transparency



- The Concessionaires are contractually obligated to keep information on their websites updated regarding charges, prices, and financial information, among other matters.

English gloss: "Subsection IV – Information

3.1.25. to make available and keep updated, in an accessible manner, on its website, for the purpose of free access and consultation by the general public, the current tables with the adopted charges;"

English gloss: "Subsection VI – Corporate Governance

3.1.39.1. The Concessionaire must disclose its financial statements on its website;"

Adherence to ICAO's Key Charging Principles

User Consultation



- Contractual obligation starting from the 4th round.

English gloss: "Section II – Operational Areas and Activities

*11.8. Proposals to define or amend the amounts and criteria for remuneration, as well as to create new charges for the use of Operational Areas and Activities, **must be preceded by consultation with relevant interested parties**, as provided for in item 15.1.2."*

English gloss: "CHAPTER XV – CONSULTATION RULES

*15.1. The Concessionaire **must consult relevant interested parties** regarding, at a minimum, the following:*

...

15.1.2. Its proposals for remuneration for the use of Operational Areas and Activities, under the terms of Section II of Chapter XI;

15.1.3. Its tariff management proposals, under the terms of Section I of Chapter IV."

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User Consultation



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Adherence to ICAO's Key Charging Principles

User Consultation



ANAC's Consultation Guide

References:

- Doc 9082 (ICAO): It recommends that Member States establish a process for regular consultation between airport infrastructure providers and their users.
- European Directive 2009/12/EC: Airports with movements exceeding 5 million passengers/year.

Available at: <https://www.gov.br/anac/pt-br/assuntos/concessoes/arquivos/ManualdeConsultationrevisado.pdf>



Adherence to ICAO's Key Charging Principles

User Consultation



Challenges

- Monitoring of consultation processes;
- Encouraging information sharing between airport and users;
- Promoting a better cost-related approach;
- Avoiding creating new charges.

If there is a disregard for best practices in charges setting, ANAC has the discretion to review any values applied.

Adherence to other ICAO recommendations



- **Autonomy and Private Participation:** Airports are operated by autonomous entities, improving financial performance and managerial efficiency;
- **Charges Collection:** A clear legal framework governs the collection of charges;
- **Economic Oversight:** Economic oversight is clearly separated from the operation and provision of airport services, with well-defined roles and powers for each function.
- **Economic Performance:** Service Quality Indicators, monitored by ANAC through objective metrics and independent user-satisfaction surveys, are linked to charges via the Service Quality Factor
- **First Resort Mechanism:** In the absence of agreement between the parties during a consultation, ANAC may act as a neutral third party.



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