



ICAO

International Civil Aviation Organization
North American, Central American and Caribbean Office

Capacity Building Workshop on the Economic Oversight and Regulation for Air Transport Development

Panama City, Panama, 21 to 23 May 2024

Summary of Discussions

Date	21 to 23 May 2024
Location	Panama City, Panama.
Opening Ceremony	The Workshop was attended by 57 delegates from 12 NAM/CAR and 6 SAM States/Territories and 9 International Organizations. The list of participants is shown in Attachment .

1. References

- Declaration to promote connectivity through the development and sustainability of air transport in the Pan-American region – Vision 2020-2035
- ICAO Doc 9082 ICAO's Policies on Charges for Airports and Air Navigation Services
- ICAO Doc 8632 ICAO'S Policies on Taxation in the Field of International Air Transport
- ICAO Doc 9626 Manual on the regulation of International Air transport
- ICAO Doc 9562 Airport Economics Manual
- ICAO Doc 9161 Manual on Air Navigation Services Economics
- ICAO Doc 7100 ICAO Aeronautical Charges

2. Objectives

2.1 Promoting a strong and economically sustainable aviation industry is essential for the socio-economic development, facilitating tourism and trade, generating employment and business opportunities, and improving choice for consumers. To realize and maximize the benefits of aviation, the adoption of robust regulatory framework and effective economic oversight by States is crucial to provide regulatory predictability, increase air connectivity and liberalization of air transport, improve aviation infrastructure, as well as balance charges and taxes to ensure that they do not impede the development of the sector. In light of this, the main objectives of the workshop were to:

- a) build a better understanding of the impact of charges and taxes on international air transport, and highlight the need to comply with relevant ICAO policies and guidance;
- b) increase knowledge of ICAO's Policies on Charges for Airports and Air Navigation Services and ICAO's Policies on Taxation in the Field of International Air Transport;

- c) enhance knowledge and expertise on economic oversight of airports and air navigation services providers (ANSPs);
- d) encourage the implementation of ICAO's policies on charges for airport and air navigation services, including consultation with users;
- e) enhance knowledge of the benefits in promoting adequate economic policies and regulatory predictability in favor of a robust and liberalized air transport market;
- f) promote sharing of experiences and best practices amongst States and Industry; and
- g) develop recommendations and actions for States/territories and aviation stakeholders to follow.

3. Introduction

3.1 Aviation connects people and business across the globe, and it is a major contributor to economic growth and development worldwide. A sound, economically viable and sustainable aviation industry is essential for socio-economic development, facilitating tourism and trade, creating jobs and business opportunities and further enhancing consumer benefits and choices.

3.2 Despite being a critical component of the global society, the growth of aviation still faces many challenges such as economic uncertainties, regulatory fragmentation, insufficient financing for infrastructure development and lack of effective economic regulation and oversight. These challenges present a substantial threat to the sustainable development of air transport, which could lead to higher costs of operation, hindering air connectivity improvement as well as restricting traffic growth.

3.3 Additionally, high taxes and charges affect the ability of aviation to meet demand as well as impede economic growth. Concerns have been raised on excessive taxation imposed on aviation, the proliferation of interchangeability of taxes in the form of charges. ICAO has therefore developed relevant policies and guidance on taxes and charges on aviation and has been continuously updating them over the years.

3.4 Nevertheless, in some States, national regulation on charges and taxes are not compliant with ICAO's Policies, while in some others, the ICAO key charging principles of non-discrimination, cost relatedness, transparency and consultation with users have not been implemented effectively and in a comprehensive manner, thus posing a serious challenge to the growth and economically viable and sustainable development of air transport.

3.5 To realize and maximize the benefits of aviation, there is a need for a robust regulatory framework and effective economic oversight to ensure that taxes and charges do not impede the development of air transport and the revenues raised do not outweigh the economic benefits that could be generated from increased demand.

3.6 Furthermore, in the current context of a globalized world and commercial openness, a State deprived of policy measures that stimulate appropriate air connectivity finds its opportunities for social and economic development limited. Therefore, it is crucial to keep in mind that economic policies and regulation by State authorities, in favor of the liberalization of the air transport market, as well as ensuring regulatory predictability to the sector, are the key factors to promote the sustainable economic development of the aviation system. Such actions can lead States to a sustainable and robust overall economic growth to maximize the benefits of international air transport to their citizens.

3.7 Moreover, the COVID-19 pandemic has had devastating impacts on global aviation, and emerging from the crisis with resilience requires removal of regulatory constraints and enhanced States' capability in promoting and strengthening the financial stability and viability of the sector.

4. Workshop Schedule and Activities

4.1 Under P/01, State of the Industry, ICAO provided an overview of the development of the air transport industry from history to present, both globally and regionally. Considering the drastic impact of the COVID-19 pandemic on aviation, the presentation reviewed the status of the industry prior to the pandemic, the recovery progress of the industry throughout the pandemic years, the current state of the industry in 2023-2024, as well as the post-pandemic long-term outlook up to 2050. The status and challenges faced by the air transport industry globally and for the Latin America/Caribbean region were also highlighted.

4.2 Under P/02, Regional Air Transport Development Overview and Status: Americas, ICAO shared the current air transport development status in the Americas (North America, South America, Central America and the Caribbean) with a comparative overview of the region aviation recovery and resilience from the COVID-19 Pandemic and its current forecast. Also, ICAO shared the NACC and SAM air transport action and agreement, as well as air services agreement towards the liberalization of the air transport in the region.

4.3 Under P/03, Aviation Benefits and ICAO's Policies in the Air Transport Field, ICAO introduced the benefits of air transport to global socio-economic development, such as the contribution to global and regional GDP, the essential connectivity for Small Island Development States (SIDS), and the vital engine to the growth of trade and tourism. The role of ICAO in supporting the economic development of air transport was also presented, including the harmonization of global regulatory framework, the development of ICAO's policies and guidance on economic regulation and oversight, the provision of tools to assist States' decision making, and the sharing of information to promote transparency in States' economic policies, regulation and oversight.

4.4 Under P/04, the MoU Liberalization of Exclusive Air Cargo Services signed among LACAC Member States was explained, highlighting the considerations and the need for this agreement as well as the current status of signature of the agreement among the Latin American States.

4.5 Under P/05, Panama provided an overview of the civil aviation in the State highlighting the connectivity and competitiveness of Panama according to the studies conducted by ALTA and OECD, which provided outcomes regarding the governance indicators of the civil aviation authorities in the LAC region. The outcomes of the studies showed that Panama has potential to enhance their governance within the Civil Aviation Authorities. The session also presented the legal framework of the economic regulation and the opportunities that Panama has to develop their air transport.

4.6 Under P/06, National Regulation, ICAO provided a holistic introduction to the fundamentals of national regulation on the economics aspects of air transport. The session provided a better understanding on the component of the process and structure of national regulation, the main functions and regulatory content, as well as the various issues that regulators must contend with during the process.

4.7 Under P/07, Good Regulatory Practices, in connection with the fundamentals for national regulation of economic aspects of air transport as introduced under P05, ICAO presented the principles of good practices for policy making and regulatory process that are recommended by ICAO for regulators to establish a robust and effective economic regulation.

4.8 Under P/08, ICAO explained the Economic Oversight on Airports and Air Navigation Services systematically based on ICAO's policies and relevant guidance materials. The main objectives of economic oversight as defined by ICAO policies focusing on balancing the interest between the service providers and users including the end users were presented. In addition, the session also discussed the various approaches for economic oversight, the selection of appropriate approach, as well as the options for the implementation of economic oversight. Examples of economic oversight of airports and ANSPs adopted by States were also discussed during the session.

4.9 Under P/09, ICAO's Policies on Charges, ICAO presented the main elements of ICAO's Policies on Charges for Airports and Air Navigation Services (Doc 9082), including the foundations of the policies in Article 15 of the Chicago Convention, the four key charging principles, the main recommendations on determining cost basis, charging system as well as how to develop individual charges. During the session, a distinction was made between charges and taxes, i.e. charges are for recovering the costs of providing facilities and services, while taxes are non-aviation related and not cost-related. Examples were also shown on the benchmarking of the charging schemes by States in the region based on the application developed by ICAO on tariffs on airports and air navigation services.

4.10 Under P/10, ICAO's Policies on Taxes, ICAO emphasized the difference between charges and taxes. While charges are for recovering the costs for providing facilities and services by airports/ANSPs, taxes are for the purpose of raising government revenues, which are not used to invest in aviation in many cases. ICAO then introduced its policies on taxation in the field of international air transport as contained in Doc 8632, as well as recommendations on various issues on proliferation of taxes on air transport which hindered the growth of the sector.

4.11 Under P/11, Curacao shared with the meeting their consultation process for the introduction of a Passenger Safety Oversight charge (PSOC) effective January 1, 2024. The presentation included the legal fundament for the proposal, the justification of the PSOC. The application of ICAO charging policies and guidance, the impact of the proposal and the checks and balance conducted for this proposal.

4.12 Under P/12, Brazil presented a presentation on the Brazilian model of economic regulation focusing on airport concessions. The presentation covered the economic fundamentals of concessions, the economic and financial balance, and the economic regulation on charges. The role of ANAC Brazil in these matters was well presented, highlighting the practices employed under the charging principles of ICAO Doc 9082 and EU Directive 2009/12/EC, such as user consultation and transparency. Finally, the presentation discussed the gap between expectations and reality regarding airport concessions, as well as the challenges faced by the authority.

4.13 Under P/13, Peru/ CORPAC presented the economic oversight implemented at the airport and air navigation services. It was pointed out that the costs obtained through an ABC model respond to a more detailed and precise construction, since it effectively directs indirect costs using different distribution criteria that respond to the cause-effect relationships of said costs and constitutes the basis for determining rates. This model is recommended by the Public Transport Infrastructure Regulator - OSITRAN and the Manual on the economic aspects of airports - management accounting and cost centers – ICAO Doc 9562 and the Manual on the economic aspects of air navigation services ICAO Doc 9161 - accounting and determination of costs. Moreover, CORPAC presented that the regulatory mechanisms, instrument to achieve the objectives is the rate and factors that determine the amount of the air navigation service rates are: kilometers traveled, maximum takeoff weight, progressive and currency. The regulation of the rate of return, or also called cost of service in case the rate is the opportunity cost of capital, consists of determining rates that allow the company to recover its operating costs and obtain a rate of return on the invested capital.

4.14 CARICOM, under P/14, explained the revised CARICOM Multilateral Air Services Agreement (MASA) among the members of the Caribbean Community, entered into force on 17 August 2020 in accordance with Article 32 of the Agreement following the deposit of the seventh Instrument of Ratification by Dominica. The Agreement which establishes a single market for air transportation services within the Community, creates a liberalized environment consistent with emerging World Trade Organization (WTO) policies and the Revised Treaty of Chaguaramas, is now in force among twelve (12) Member States. In addition, eight (8) air carriers of the Community and one (1) helicopter service have been designated pursuant to Article 6(1) of the Agreement. The Agreement now needs to be fully operationalized to reflect the Community's commitment to promote competition and efficiency and enhance the safety and technical standards of regional air services. This is in keeping with the objective of advancing the full liberalization of air transport services of the Community.

4.15 Under P/15, Guatemala informed on their regulatory framework and charges scheme for the provision of Air-seaport services and the airport concessions scheme. The presentation explained their current tax for departure, its comparison with the rest of Central American States and their current plan to incentive the intraregional traffic in Central America.

4.16 Under P/16, Mexico/ AFAC presented the approach of economic oversight on airports adopted by the Mexican Civil Aviation Authority, including the price-cap model on charges, and the application of these regulations and the new scheme implemented for the concessioned airports in Mexico.

4.17 Under P/17, ALTA presented the three main aspects that determine the competitiveness of countries for the development of air transport. A study carried out by ALTA with the support of Amadeus identified the main good practices and areas of opportunity in the region to achieve together – industry and authorities – the most efficient environments so that more and more people can make use of the

safest and most efficient means of transport, generating opportunities and well-being for their States and its people.

4.18 Under P/18, IATA shared information regarding charges and taxes from airlines' perspective. The presentation showed the impact of charges and taxes on the income of airlines and the small margin per passenger that the industry continues to present despite the post-pandemic recovery of the industry. The need for States to fully comply with ICAO charging policies and guidance and the gaps identified was emphasized. During the presentation, the need for charges and fees to be associated with the costs of airport and air navigation services was discussed, and for governments and authorities to evaluate the impact on local communities and economies when taxes are set unilaterally, and that ICAO strengthen its role in compliance with the guidelines. Finally, the position regarding economic oversight of airports and air navigation services and IATA's openness to contributing to the analysis and implementation processes of decisions in this concept was reviewed.

4.19 Under P/19, ACI-LAC's presentation covered some crucial topics about the importance of implement a fair and balance economic regulation on charges for the air transport development in the LAC region and for the wealthy operations of the airports. First, the presentation pointed out some figures and facts regarding the airport economics and passengers traffic recovery and forecast. Also, it clarified about the airport charges which have a big impact on consumers (airlines and passengers), highlighting the difference between charges and taxes, as well as the airport charges in the LAC region are high and increasing over time. ACI LAC presented a SWOT analysis of LAC air transport and here are some outcomes: Strengths: robust historical growth in traffic and major domestic market buoyant. Weaknesses: weak connectivity with respect to international routes and proliferation of taxes that curb air transport demand. Opportunities: Major LAC tourist destinations and centers of commerce are still ripe for further traffic growth and Policy levers to stimulate the industry: taxes, concession fees, and regulatory models. Threats: Shaky economic fundamentals in some key LAC economies and Political and regulatory uncertainties.

4.20 Under P/20, CANSO informed that the Air Traffic Management (ATM) industry has shown remarkable resilience post-pandemic, with global flight hours and numbers surpassing 2019 levels, despite commercial passenger volumes only gradually rebounding. This recovery has intensified ATM workload and congestion, particularly during peak periods, highlighting the old yet renewed challenge of managing airspace efficiently. The pandemic emphasized the high fixed costs in ATM operations, as services and staff had to be maintained even when traffic dropped drastically. Consequently, cost efficiency metrics deteriorated significantly. Despite regional differences in recovery narrowing, the ATM industry still faces challenges in productivity metrics, and the need for substantial investments. The urgency for modernization, estimated at \$20 billion by ICAO, is crucial for achieving operational efficiency and 2050 climate goals. However, accumulated debt and staff shortages present ongoing hurdles. As the industry looks forward, investments in capabilities like surveillance improvements and airspace redesign are essential to enhance efficiency and support sustainable growth.

4.21 Dominican Republic under P/21, shared its experience in the reactivation of passenger air transport and the recovery of tourism, including the measures and strategies of the Dominican government, which led to the recovery of international air operations in a fast, safe, reliable and sustainable way after the pandemic generated by COVID-19.

4.22 Under P/22, IADB presentation shared their perspective in terms of challenges faced by the civil aviation sector in the LAC region, highlighting the restrictive air transport policies, inadequate airport infrastructure and low implementation of international operational safety and security standards. On the other hand, IADB strategy is based on 3 main pillars such as: support and promote national and regional air integration in LAC, support and promote quality airport infrastructure and promote access to safe, affordable and sustainable air services for users through advising countries to strength public policies in the sector, investing in airport infrastructure and generating important studies and training for the States, focusing on the air transport sustainability development.

4.23 World Bank shared two presentations, P/23 and P/24, as follows:

- a) World Bank Engagements in the Air Transport Sector: The World Bank provided an overview of its historic and active engagements in the air transport sector as well as details on 5 active projects within the Latin America and Caribbean region. In particular, the World Bank is supporting a Series of Projects to improve regional air transport connectivity, safety, and resilience in the Caribbean that is financing airport infrastructure improvements, modernization of air navigation equipment, and training on economic and safety oversight in Grenada, Saint Lucia, and Haiti. This Series of Projects leverages the World Bank's previous experience supporting the Pacific Aviation Investment Program (PAIP). The presentation also introduced a regional Caribbean study that is collaborating with regional partners to explore ways to improve the safety compliance and efficiency and financial sustainability of civil aviation authorities and airports in small island developing states with the ultimate goal to expand inter-regional connectivity. The World Bank team looks forward to connecting with all participants on how to support through analytics, policy support, and lending key issues facing air transport in the region.
- b) Presentation on Charging Policy Study for Central America: The World Bank presented the results of a recent study on potential charging policy reforms for regional air transport in Central America. The study considered the impact of airport charges as a contributor to the high cost of flying within Central America and as a limitation on the entry of new operators, particularly low-cost carriers, within Central America. The study proposes an intra-regional airport charge that is differentiated from the charge applied to international flights. The study showed that lower charges (not exceeding US\$15-20) on inter-regional flights could stimulate demand and facilitate the entry of low-cost carriers and that the increase in demand could overcompensate for the loss in income due to decreased charge rate. Costa Rica has a law reform underway to apply differentiated charges for regional flights in all its airports and Guatemala has created a working group to develop a specific proposal to improve Aurora airport. Related blog post (available in both English and Spanish): <https://blogs.worldbank.org/es/trade/affordable-air-travel-in-central-america-to-enhance-regional-int>

4.24 The workshop documentation, programme and webpage is located at:
<https://www.icao.int/SAM/Pages/MeetingsDocumentation.aspx?m=2024-AT-CAPACITYBLDG&t=1>

4.25 Participants also have reference to the ICAO – IADB Case Study conducted to Dominican Republic:
https://www.icao.int/sustainability/Documents/Air%20Transport%20Economic%20Studies/Dominican%20Republic_2020/ICAO%20AirTrans-CaseStudy-DR.pdf

5. Recommendations

Recommendations to States:

- 1) States are encouraged to implement effective economic regulation and oversight and apply good regulatory processes, taking into consideration the best practices within and outside the region.
- 2) States should make efforts towards improving air connectivity in the region by addressing aviation infrastructure deficiency.
- 3) States are encouraged to progress the liberalization of air transport in the region.
- 4) States should implement ICAO's policies on charges, and incorporate the four key charging principles, i.e. non-discrimination, cost-relatedness, transparency and consultation with users, into their national legislation and regulation.
- 5) States should promote consultation between airports/ANSPs and airlines in setting charges, as well as transparency in sharing information for meaningful and effective consultation.
- 6) States should recognize the difference between charges and taxes, implement ICAO's policies on taxation on international air transport, and avoid proliferation of taxes.
- 7) States should promote sustainable funding for regulatory oversight functions.

Recommendations to ICAO and aviation stakeholders.

- 1) ICAO should continue to raise awareness and increase States' understanding of ICAO's policies and guidance on charges and taxes, with an objective to enhance the implementation by States.
- 2) ICAO should make efforts in providing information and analysis on the form of economic oversight adopted by States in relation to the evolution of user charges to allow regulators to make more informed decisions.
- 3) ICAO should consider developing a template for States to implement economic oversight of airports and air navigation services.
- 4) ICAO should support States in addressing the financial sustainability of CAAs and sustainable funding for regulatory oversight functions; considering the difference among States, it would be useful to explore specific measures to help bolster financial sustainability of CAAs in smaller States where traffic volumes (and associated revenues from airport/air navigation services charges) may be insufficient.
- 5) ICAO together with all partners should address aviation infrastructure deficiency in the region and promote sustainable funding and financing for infrastructure development.

- 6) Considering the value and benefit of knowledge-sharing/dissemination of good practice on economic regulation and oversight of the air transport sector, and that there are already a lot of players in the sector, both at the global and the LAC regional scale, as well as many available studies(albeit not always available in all languages), it would be convenient to analyse on how to consolidate some of the key existing platforms to make it easier to find information without greater overhead.
- 7) ICAO, LACAC and all partners should identify regional mechanism for States and industry to address issues and challenges faced in economic regulation and oversight as well as tackle infrastructure gaps; provide a platform for sharing knowledge and best practices among all stakeholders and discussing in detail on specific topics of interest or of urgency.
- 8) ICAO, States and all industry stakeholders should advocate the socio-economic benefits of aviation to raise the profile of aviation within States' national development plan with the objective to improve air connectivity and development of air transport in the region.

**Capacity Building Workshop on the Economic Regulation and Oversight
(Panama City, Panama, 21 to 23 May 2024)**

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