



**Cuestión 1A del
Orden del Día: Situación actual y prioridades regionales**

IMPLEMENTACIÓN DE POLÍTICAS DEL DOC 9082 DE LA OACI

(Presentada por Secretaría)

RESUMEN	
La OACI, en su documento 9082, presenta los principios para definir tarifas, incluyendo el mecanismo para recuperar costos de facilidades y provisión de servicios de aeropuertos y proveedores de navegación. Así, esta nota de estudio presenta el estatus de implementación de estas políticas de la OACI en Sudamérica y subraya los beneficios de implementar las políticas, principios y provisiones descritas en el Doc 9082 y propone que la región priorice la implementación de estas.	
Acción:	La acción requerida se presenta en el ítem 3.1.
Objetivos Estratégicos:	<ul style="list-style-type: none">• Capacidad y eficiencia de la navegación aérea• Desarrollo económico del transporte aéreo
Referencias:	<ul style="list-style-type: none">• Doc 9082 – Políticas de la OACI sobre derechos aeroportuarios y por los servicios de navegación aérea.• A41-27 Declaración consolidada de las políticas permanentes de la OACI en la esfera del transporte aéreo• Declaración para Promover la Conectividad por medio del Desarrollo y Sostenimiento del Transporte Aéreo en la Región Panamericana – Visión 2020-2035.• Informe de la RAAC/15

1. Introducción

1.1 Las Políticas de la OACI sobre derechos aeroportuarios y por servicios de navegación aérea contienen las recomendaciones y conclusiones adoptadas por el Consejo como resultado del estudio que permanentemente efectúa la OACI sobre los derechos en relación con la situación económica de los aeropuertos y los servicios de navegación aérea que se proporcionan a la aviación civil internacional. Dichas políticas, que están destinadas a servir de orientación a los Estados contratantes, se fundan principalmente en las recomendaciones que en esta esfera formulan las diversas Conferencias sobre los aspectos económicos de los aeropuertos y servicios de navegación aérea que la OACI convoca regularmente.

1.2 El compromiso de la OACI en lo que atañe a derechos aeroportuarios y por servicios de navegación aérea tiene su principal origen en el Artículo 15 — *Derechos aeroportuarios y otros similares, del Convenio sobre Aviación Civil Internacional*. Dicho compromiso se ha expresado también en la Declaración consolidada de las políticas permanentes de la OACI en la esfera del transporte aéreo de la Organización, que se actualiza en cada período de sesiones ordinario de la Asamblea; actualmente en la

Resolución A41-27, Apéndice C — Economía de los Aeropuertos y servicios de navegación aérea, se pide al Consejo, entre otras cosas, que se asegure de que la orientación y el asesoramiento contenidos en el Doc 9082 estén actualizados y respondan a las necesidades de los Estados contratantes

1.3 El Doc 9082 de la OACI describe los principios básicos para calcular la recuperación de costos, por medio de tarifas, de la provisión de servicios y las facilidades de los aeropuertos y los ANSPs. y además se enfoca en cuatro principios básicos de la fijación de derechos: no discriminación, relación con los costos, transparencia y consulta con los usuarios. La incorporación de estos cuatro principios en sus leyes, reglamentos o políticas aseguraría que aeropuertos y ANSPs cumplieran con ellos.

1.4 Los Estados y los reguladores son entidades claves para proteger a los usuarios, vigilar a los proveedores y asegurar que estos no abusen de su poder dominante en el mercado y para asegurar que las tarifas sean relacionadas a los costos. Para esto es importante que se establezca una reglamentación económica robusta y que se cree una entidad independiente que asegure que esta reglamentación se cumpla.

1.5 En concordancia con las políticas de la OACI sobre las tarifas, los estados y los reguladores tienen un papel vital que desempeñar para mantener una supervisión vigorosa de los derechos a través de una regulación económica robusta, independiente y efectiva para proteger a los usuarios contra el potencial abuso de posición dominante de los proveedores y garantizar que los costos sean razonables.

2. Análisis

2.1 Durante la RAAC/15 llevada a cabo en Asunción, Paraguay, se discutió la implementación de las políticas de la OACI sobre derechos aeroportuarios y por los servicios de navegación aérea bajo el Doc 9082.

2.2 De esta manera, luego de intercambiar puntos de vista sobre la aplicación del Doc 9082 y la evaluación económica a los proveedores de servicios de navegación aérea y explotadores de aeródromos que debería ser aplicada por las Autoridades, se convino en la siguiente Conclusión:

Conclusión RAAC/15-6 Fortalecimiento sobre la competencia de las AAC en el concepto de la evaluación económica de los ANSP y de explotadores de aeródromos

Que la Secretaría:

- a) *inicie las actividades para desarrollar la estrategia para fortalecer la competencia de las Administraciones de Aviación Civil en el concepto de la evaluación económica de los Proveedores de los Servicios de Navegación Aérea ANSP y operadores de aeródromos y presente un documento inicial para mediados del año 2018;*
- b) *para el desarrollo de la estrategia realice un análisis de la situación actual de los Estados en relación a la aplicación de las guías contenidas en el Documento 9082;*
- c) *realice esta actividad bajo un enfoque colaborativo, con el apoyo de todos los Estados de la Región, nominando puntos focales al respecto para el 31 de enero de 2018, la Secretaría de la CLAC y la IATA.*

2.3 Dando seguimiento a la Conclusión de la RAAC/15 y la Recomendación de la Sexta Conferencia Mundial de Transporte Aéreo (ATConf/6) que solicitó a la OACI recopilar información de los Estados sobre el nivel de implementación de políticas de la OACI sobre derechos por aeropuertos y servicios de navegación aérea, y publicar y actualizar periódicamente esta información en forma de Suplemento al Doc 9082, la Secretaría de la Organización realizó una encuesta en línea sobre la implementación por parte de los Estados de las políticas de la OACI sobre derechos por aeropuertos y servicios de navegación aérea en el año de 2020.

2.4 Doce (12) Estados de la región Latinoamericana y Caribe respondieron la encuesta y de los 12, 8 fueron de la región SAM. Esos 12 países representan el 39% del tráfico de la región LAC/Caribe y 3% del tráfico global. El informe completo se encuentra en el **Apéndice A** de esta nota de estudio (*disponible sólo en inglés*).

2.5 A continuación, se presentan algunos de los resultados y conclusiones de la encuesta de los países sobre la implementación de las políticas del Doc 9082:

- a) Todos los 12 Estados respondieron que conocen las políticas de la OACI sobre derechos por aeropuertos y servicios de navegación aérea que figuran en el Doc 9082. En cuanto a los aeropuertos de los países, 11 están conscientes de las políticas de la OACI y en relación a los ANSPs de los países, 10 respondieron que las conocen.
- b) A la consulta si toman en cuenta las políticas y orientaciones de la OACI en el tema de economía y gestión de aeropuertos y de ANSPs, 8 aeropuertos contestaron que siempre lo toman en cuenta, 3 aeropuertos a veces y 1 contestó negativamente. Por otro lado, 6 ANSPs afirmaron que siempre lo toman en cuenta y 4 contestaron a veces.
- c) 11 Estados de la región afirmaron positivamente que tienen normas y reglamentos sobre las tarifas para los aeropuertos y ANSPs, sin embargo, 8 Estados indicaron que sus reglas y reglamentos se adhieren a las políticas de la OACI bajo el marco del Doc 9082; 3 contestaron que se adhieren parcialmente y 1 no respondió.
- d) A la consulta que, si los Estados implementan las políticas de tarifas de la OACI para aeropuertos y ANSPs, entre los Estados de la región, 8 contestaron positivamente, 2 contestaron que parcialmente y 1 contestó negativamente, tanto para aeropuertos, como para ANSPs.

2.6 Como la implementación de las políticas de tarifa de la OACI es un proceso continuo y que demanda una mejora constante, la Secretaria de la OACI va a conducir otra encuesta en este tema en el año de 2024 para actualizar los datos con el objetivo de hacer un trabajo más cercano con los países para ayudarles y diseminar más informaciones en relación al Doc 9082.

2.7 Se podrá observar que existen brechas y oportunidades de mejora ante el bajo nivel de implementación de las políticas de tarifas de la OACI, lo que podría afectar la competitividad, el desarrollo de la industria aérea en Sudamérica y los beneficios que éstas ofrecen local y regionalmente, al igual que a las economías vecinas. Además, los Estados deben tener un interés mutuo para asegurar que las tarifas sean lo más económicamente eficientes y asequibles para apoyar el desarrollo del tráfico aéreo.

3. Acción sugerida

3.1 Se invita a la Reunión de RAAC17 a:

- a) Tomar nota de la información contenida en esta nota de estudio;
- b) tomar nota de la encuesta publicada por la OACI en el Apéndice A;
- c) pedir a los Estados de la región SAM para tengan un compromiso para lograr una mejor respuesta a la encuesta que será realizada en el año 2024; y
- d) instar a que los Estados incorporen las políticas de tarifas del Doc. 9082 y sus cuatro principios para definir tarifas - no discriminación, relación de los costos, transparencia y consulta con los usuarios.



APENDICE A
(disponible sólo en inglés)

**SURVEY ON STATES' IMPLEMENTATION OF ICAO'S POLICIES ON
CHARGES FOR AIRPORTS AND AIR NAVIGATION SERVICES**

REPORT

23 October 2020

1. INTRODUCTION

1.1 The Sixth Worldwide Air Transport Conference (ATConf/6) requested the International Civil Aviation Organization (ICAO) to “collect information from States on the level of implementation of ICAO policies on charges for airports and air navigation services, and publish and regularly update this information in the form of Supplement to Doc 9082, *ICAO’s Policies on Charges for Airports and Air Navigation Services*” (Recommendation 2.7/3 refers).

1.2 Assembly Resolution A40-9, Appendix C, Section 1, paragraph 10, requests the Council to continue to promote ICAO’s policies on user charges and related guidance material in order to increase the awareness of, and implementation by, Member States and their airports and air navigation services entities.

1.3 To implement these recommendations, the ICAO Secretariat conducted an online survey on States’ implementation of ICAO’s policies on charges for airports and air navigation services. The survey was dispatched on 17 December 2019 via State Letter (Ref: EC2/89–19/82) requesting Members States to provide relevant information by completing the survey on or before 31 July 2020.

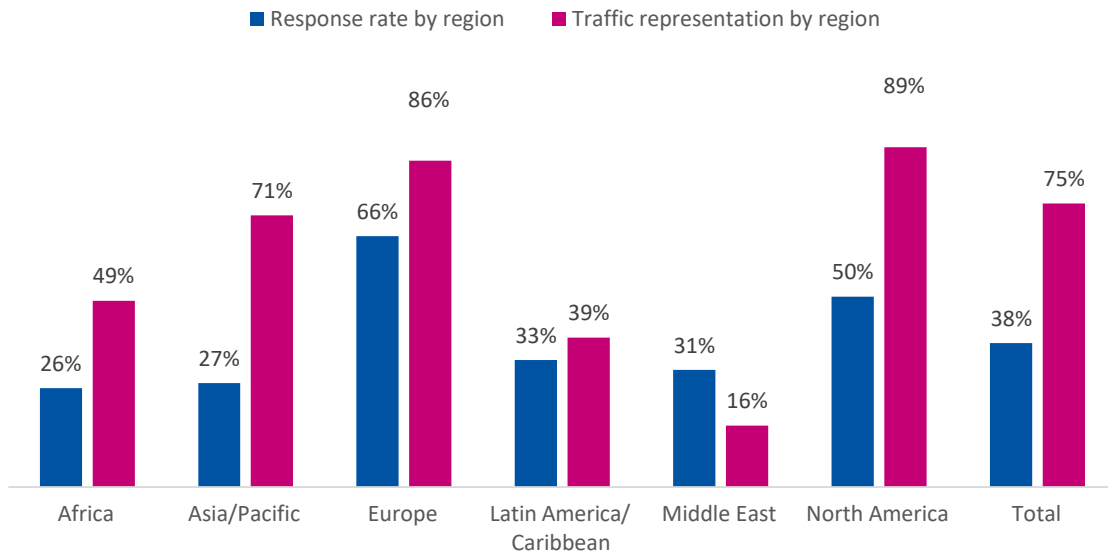
1.4 Duly completed survey was received from 73 States and six territories, which are listed in the Appendix to this report. For ease of analysis, reference is made only to “States” which shall be understood to mean the 79 responding “States and territories”. The 79 responding States accounted for 75% of the global air traffic in terms of the number of scheduled flights in 2019. Table 1.1 shows a summary of the 79 responding States at both regional and global level, while Figure 1.1 illustrates the response rate with the corresponding traffic representation of the States by region. The number of replies provides a solid ground for a representative overview and meaningful analysis to assess the implementation status of States.

Table 1.1: Overview of Respondents by Region

Region	States responding	Traffic representation by region¹	Traffic representation globally
Africa	15	49%	2%
Asia and Pacific	14	71%	24%
Europe	33	86%	20%
Latin America/ Caribbean	12	39%	3%
Middle East	4	16%	1%
North America	1	89%	25%
Total	79	75%	75%

¹ Traffic in terms of number of total scheduled international and domestic flights in 2019.

Figure 1.1: Response rate and traffic representation



1.5 Replies from States were analysed with efforts to reflect the current status of implementation of ICAO’s policies on charges globally and regionally, nevertheless, for certain regions, the relative low representation of respondents made it challenging to draw robust conclusions.

1.6 The summary of the survey findings is presented hereunder in the sequence of the questions posed in the survey questionnaire with regard to the following five areas:

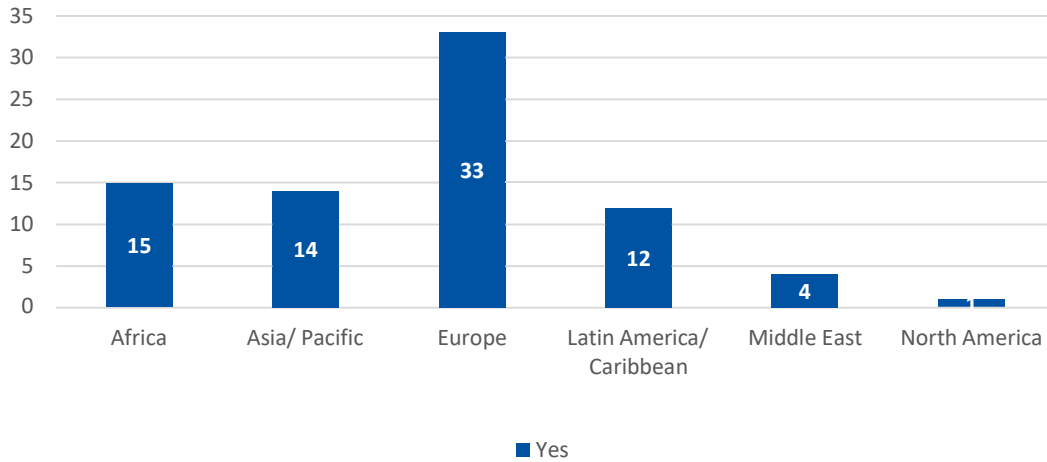
- a) awareness of ICAO’s policies on charges for airports and air navigation services;
- b) national rules and legislations on charges for airports and air navigation services;
- c) implementation of ICAO’s policies on charges;
- d) forms of economic oversight on airports and air navigation services providers (ANSPs) adopted by States; and
- e) any other comments and/or suggestions for improving the implementation of ICAO policies on charges.

2. AWARENESS OF ICAO POLICIES ON CHARGES FOR AIRPORTS AND AIR NAVIGATION SERVICES

2.1 **Question 1.1 – Are you aware of ICAO’s policies on charges for airports and air navigation services that are contained in Doc 9082, ICAO’s Policies on Charges for Airports and Air Navigation Services?**

2.1.1 All the 79 responding States confirmed that their government authorities are aware of ICAO’s policies on charges for airports and air navigation services contained in Doc 9082, as shown in Figure 2.1. The replies indicated a high degree of awareness among States on the ICAO policies.

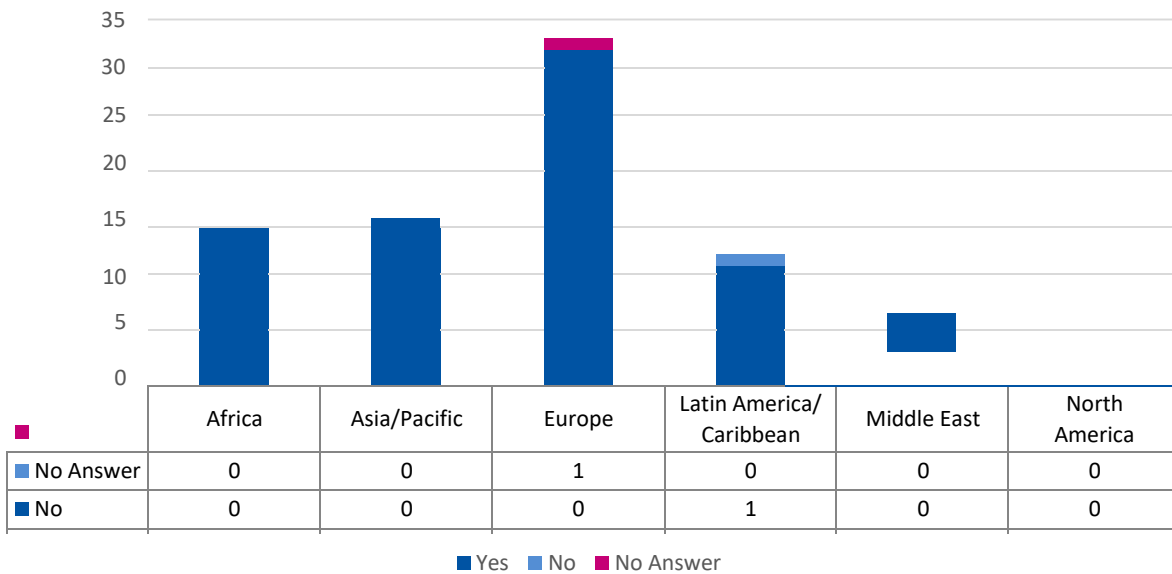
Figure 2.1: States' awareness of ICAO's policies on charges for airports and air navigation services contained in Doc 9082



2.2 Question 1.2 – Are airports and air navigation services providers (ANSPs) in your State also aware of the ICAO policies?

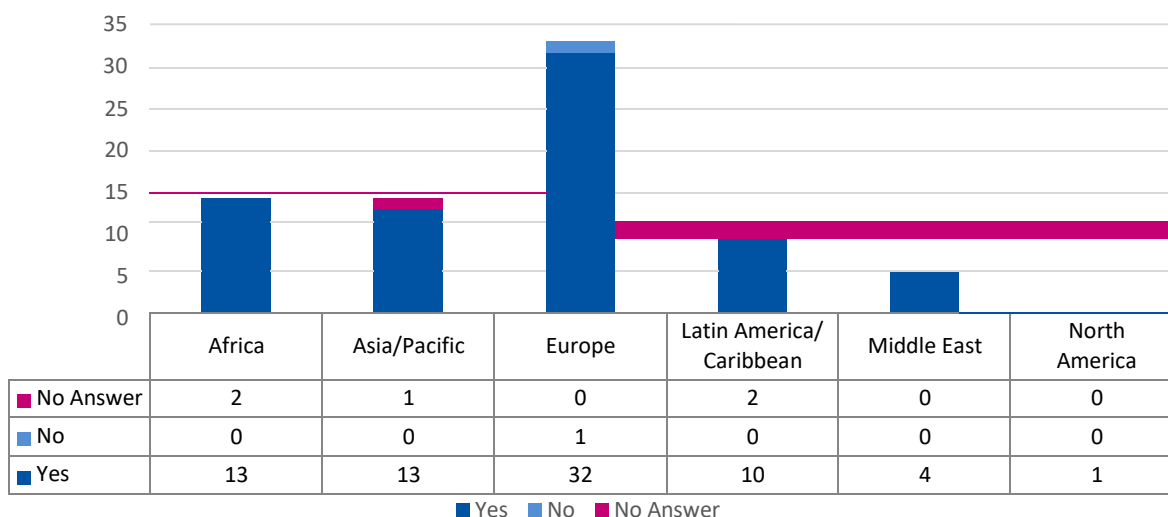
2.2.1 **Airports:** 77 out of 79 States, representing 97% of total respondents, confirmed that airports in their States are aware of the ICAO policies on charges. Only one (1) State from Latin America/Caribbean indicated that airports are not aware of the policies, while one (1) State from Europe did not provide response to this question. The responses by region are shown in Figure 2.2.

Figure 2.2: Airports' awareness of ICAO's policies on charges



2.2.2 **ANSPs:** 73 out of 79 States, representing 92% of total respondents, confirmed that ANSPs in their States are aware of the ICAO policies on charges. Only one (1) State from Europe indicated that its ANSP is not aware of the policies, while five (5) States, two (2) each from Africa and Latin America/Caribbean and one (1) from Asia/Pacific did not provide answer to this question. The responses by region are shown in Figure 2.3.

Figure 2.3: ANSPs' awareness of ICAO's policies on charges

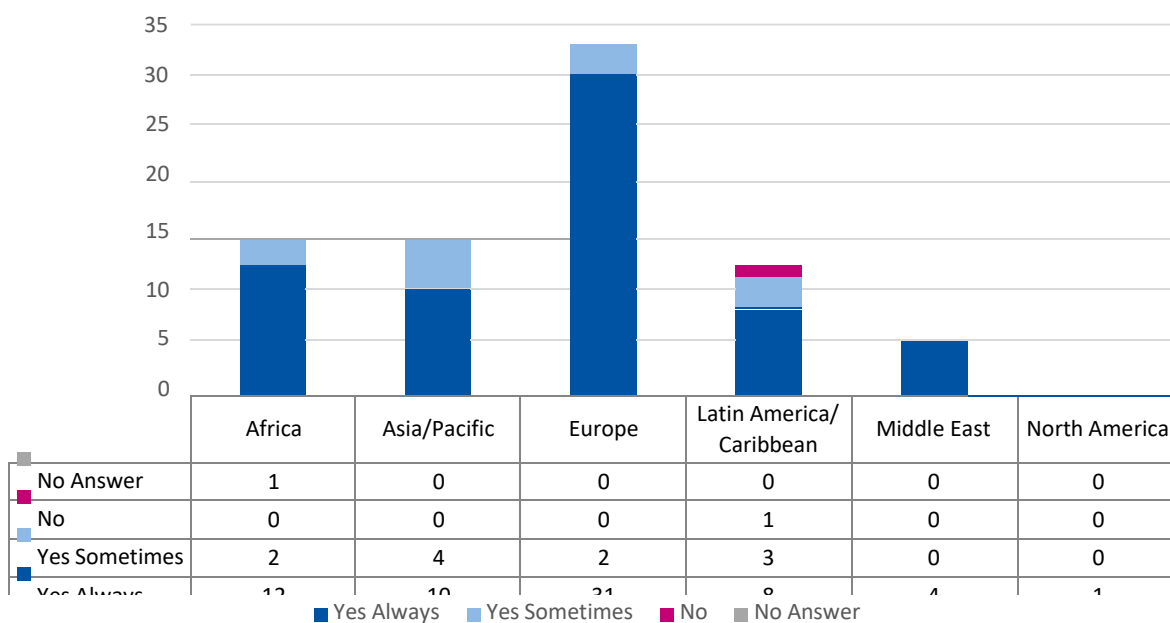


2.3 Question 1.3 a) – When dealing with matters relating to airport and air navigation services economics and management, do you give regard to ICAO policies and guidance?

2.3.1 **Airports:** 66 States, representing 84% of total respondents, confirmed that they give regard to ICAO policies and guidance when dealing with matters relating to airport economics and management, and 11 States, or 14% of respondents, indicated that they give regard to the policies and guidance sometimes. One (1) State replied that no regard is given to ICAO policies and guidance, while one (1) State did not provide response to this question. The responses by region are shown in Figure 2.4.

2.3.2 Among the States, which sometimes give regard to ICAO policies and guidance, there were disparities in terms of the percentages, some indicated 90%, and some replied 50%, while others stated as low as 20%.

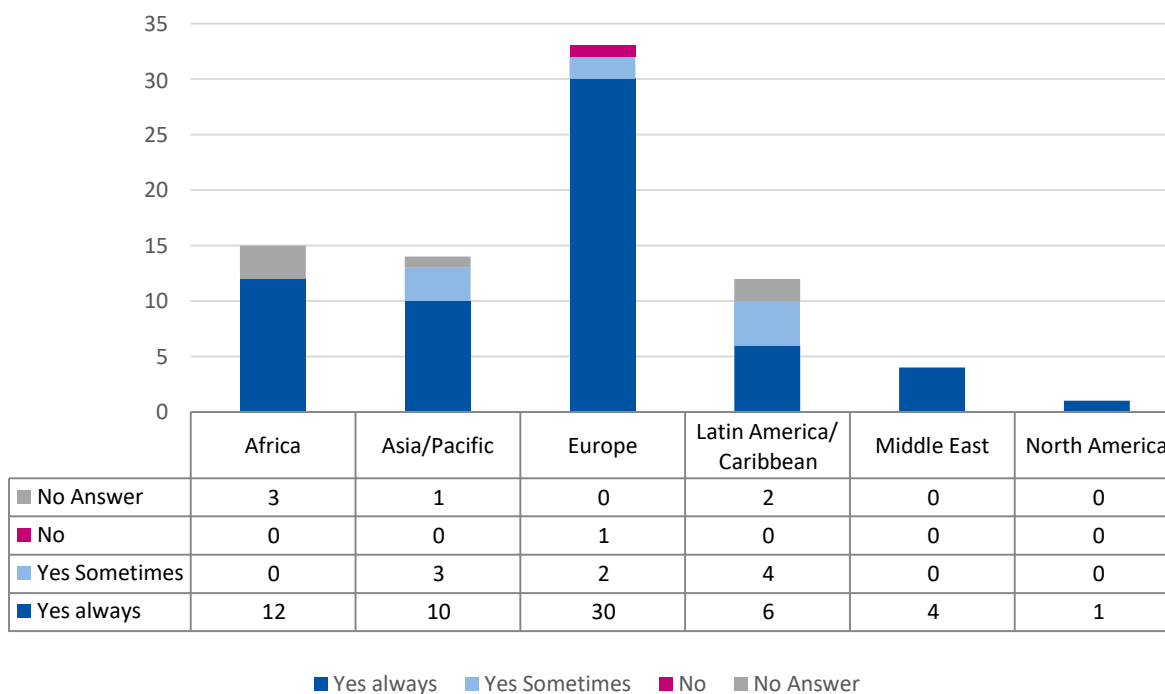
Figure 2.4: Giving regard to ICAO's policies and guidance - airports



2.3.3 **Air navigation services:** 63 States, representing 80% of total respondents, confirmed that they give regard to ICAO policies and guidance when dealing with matters relating to air navigation services economic and management, and nine (9) States, or 11% of respondents, indicated that they give regard sometimes. One (1) State mentioned that no regard is given to ICAO policies and guidance, while six (6) States did not provide response to this question. The responses by region are shown in Figure 2.5.

2.3.4 Among the States, which sometimes give regard to ICAO policies and guidance, there were also disparities in terms of the percentages; some indicated 90% while the others stated 50%.

Figure 2.5: Giving regard to ICAO's policies and guidance - air navigation services



2.4 Question 1.3 b) – If you answered “No” or “Yes, sometimes”, please explain why:

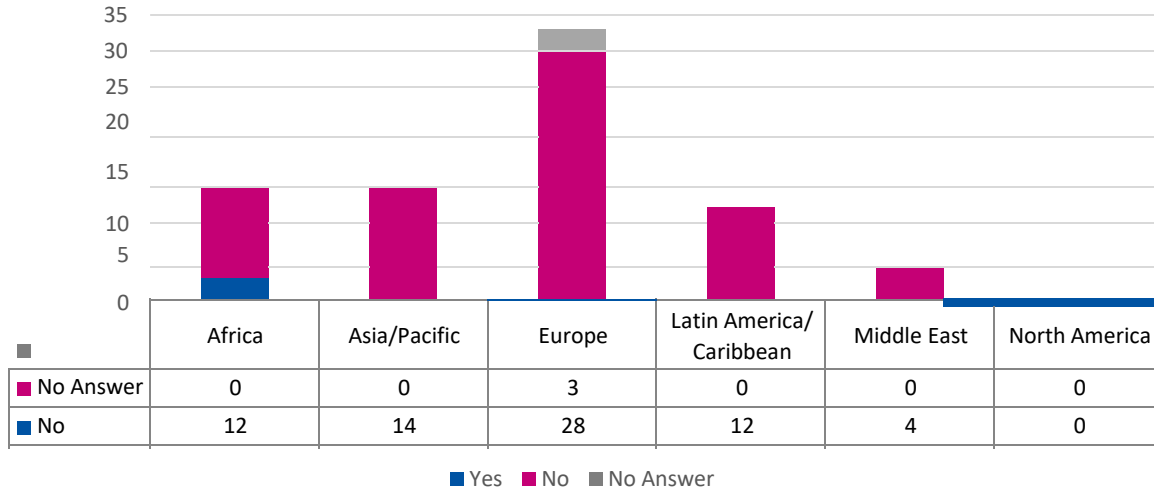
2.4.1 Out of the responding States that answered “No” or “Yes, sometimes”, 15 States provided explanation to why they give partial or no regard to ICAO polices and guidance when dealing with matters relating to airport and air navigation services economics and management. According to the responses, the reasons can be classified into three aspects:

- a) determination and approval of charges by different entity other than the civil aviation authority;
- b) limitation due to the conditions set out in the government concession agreements;
- c) application of the existing national regulations; and
- d) application of binding legal requirements such as the European Union (EU) regulation and directive.

2.5 Question 1.4 a) – Does your State encounter any issues in ensuring that “no fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon” according to Article 15 of Doc 7300, Convention on International Civil Aviation, signed at Chicago on 7 December 1944 and amended by the ICAO Assembly?

2.5.1 Seventy (70) States, representing 89% of total respondents, confirmed that there was no issue encountered in ensuring that “no fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory or any aircraft of a contracting State or persons or property thereon”. Six (6) States, representing 7% of total respondents, indicated that they encountered issues, and three (3) States, or 4% of total respondents, did not provide response to this question. The responses by region are shown in Figure 2.6.

Figure 2.6: Issues in ensuring “no fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property



2.6 Question 1.4 b) – If “Yes” to 1.4 a), please specify.

2.6.1 Specification of issues encountered include the following aspects:

- a) fees being charged such as safety fee, short-term license fee and annual license fee;
- b) the service providers are private entities and have their own management practices; and
- c) encountering issues with neighbouring State which imposes such fees.

2.7 Question 1.5 – If you have any comments for this item (awareness of ICAO’s policies), please indicate them below.

2.7.1 Seven (7) States provided additional comments on awareness of ICAO’s policies. Information indicated were mainly related to five aspects: a) States need to be aware of any change to ICAO’s policies and guidance on charges; b) practices in charges determination are governed by an agreement in certain circumstances; c) application of relevant EU Regulations is considered as fully in

line with ICAO’s policies; d) the State has regulations of economic oversight for either airports or ANSPs, but not both; and e) airports and/or air navigation services are regulated by different entities other than the civil aviation authorities.

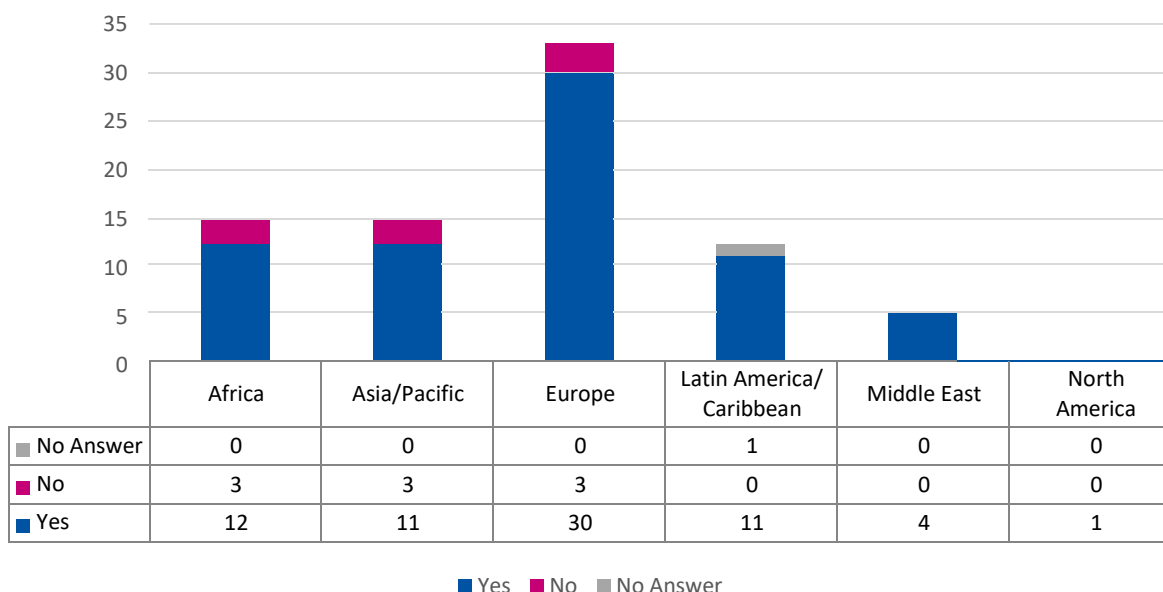
2.7.2 Some respondents suggested more webinars to be conducted for States to increase the awareness of relevant ICAO policies and guidance on charges.

3. NATIONAL RULES AND REGULATIONS ON CHARGES FOR AIRPORTS AND ANSPS

3.1 Question 2.1 a) – Does your State have rules and regulations governing charges for airports and air navigation services providers?

3.1.1 **Airports:** 69 States, representing 87% of total respondents, confirmed that they have rules and regulations governing charges for airports. Nine (9) States, representing 11% of respondents, indicated that there is no such rule and regulation, and one (1) State did not provide response to this question. The responses by region are shown in Figure 3.1.

Figure 3.1: Rules and regulations governing charges for airports



3.1.2 **ANSPs:** 67 States, representing 85% of total respondents, confirmed that they have rules and regulations governing charges for ANSPs. Nine (9) States, representing 11% of respondents, indicated that there is no such rule and regulation, and three (3) States did not provide response to this question. The responses by region are shown in Figure 3.2.

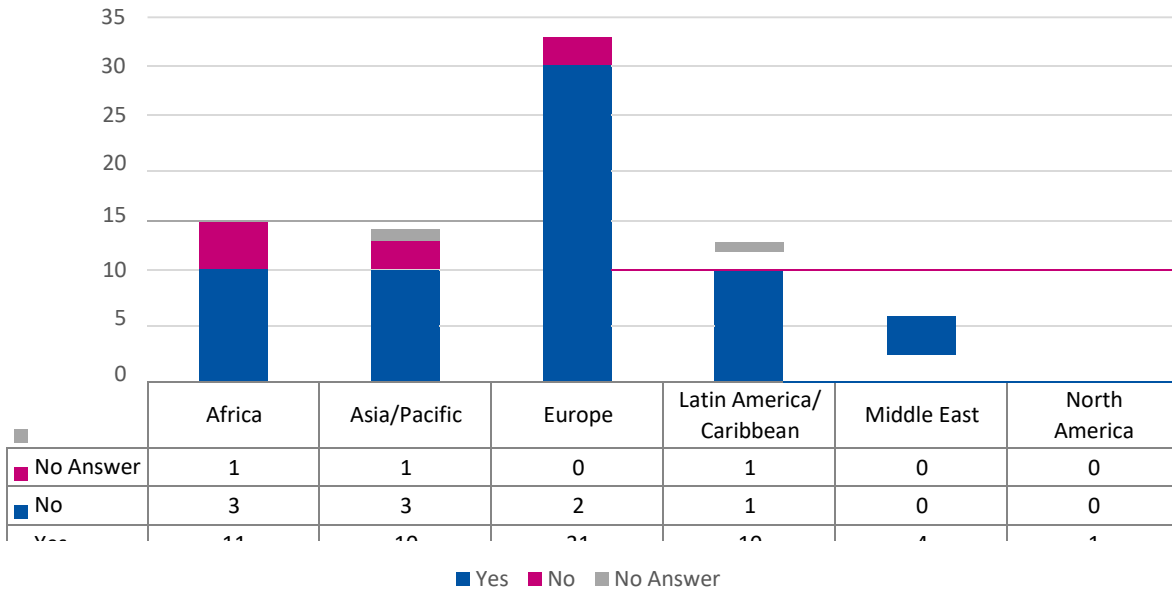
3.2 Question 2.1 b) – If “Yes”, is it applied to all or some?

3.2.1 A vast majority of States indicated that national rules and regulations on charges are applied to airports and ANSPs. 49 States, representing 62% of respondents, confirmed that rules and regulations governing charges are applied to all airports or ANSPs. 25 States, representing 25% of respondents, replied that they apply rules and regulations governing charges to some airports or ANSPs.

3.3 Question 2.1 d) – If “No”, please indicate the reason(s) below.

3.3.1 Among the States which currently do not have national rules and regulations governing charges for airports and ANSPs, some indicated that they are considering or in the process of establishing economic oversight regulations. Some States also responded that although there is no national regulation governing charges, they have been strictly following Article 15 of the Chicago Convention, as well as ICAO’s policies and guidance on charges. Some States also highlighted that rules and regulations are exclusively applied to international airports.

Figure 3.2: Rules and regulations governing charges for ANSPs



3.4 Question 2.1 e) – Are you planning to introduce such rules and regulations?

3.4.1 As shown in Figure 3.3 and 3.4, 70% of the States, which currently do not have national rules and regulations governing charges for airports and ANSPs indicated that they plan to introduce such rules and regulations in future.

Figure 3.3: Plans to introduce rules/regulations for charges to airports

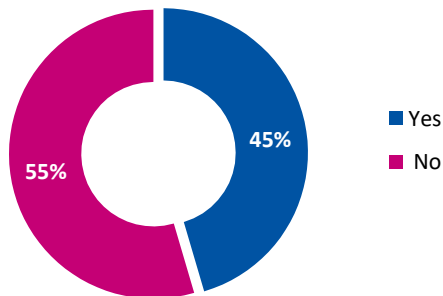
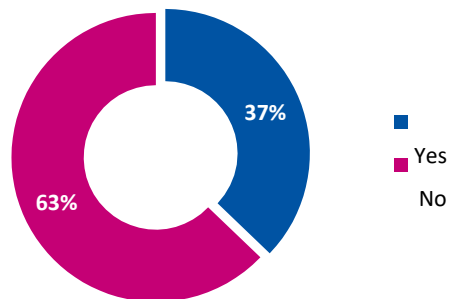


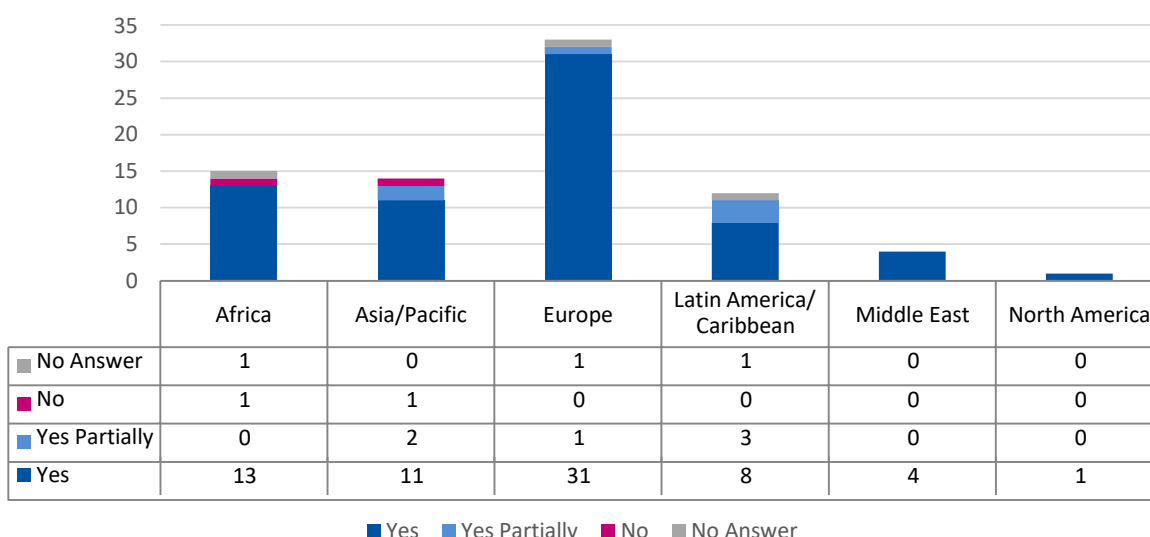
Figure 3.4: Plans to introduce rules/regulations for charges to ANSPs



3.5 Question 2.2 – Are the rules and regulations of your State adherent to, or compatible with, ICAO’s policies on charges?

3.5.1 Sixty-eight (68) States, representing 86% of total respondents, confirmed that their national rules and regulations are adherent to, or compatible with ICAO’s policies on charges. Six (6) States, representing 8% of total respondents, indicated that their rules and regulations are partially adherent to, or compatible with ICAO policies. Two (2) States, or 3%, replied that their rules and regulations are not adherent to, or compatible with ICAO policies, and three (3) States, or 4%, did not provide response to this question. The responses by region are shown in Figure 3.5.

Figure 3.5: Adherence and compatibility of State's rules and regulations with ICAO's policies on charges



3.5.2 Ten (10) States provided explanation to partial adherence or compatibility with ICAO’s policies. The reasons can be summarized as a) the current national regulation governing charges would require amendments; b) certain exclusive rights are provided to investors in the concession agreements; and c) no specific national regulation for airports and ANSPs to perform transparency and consultation with users on charges.

3.6 Question 2.3 – If you have any comments for this item (national rules and regulations on charges for airports and ANSPs), please indicate them below.

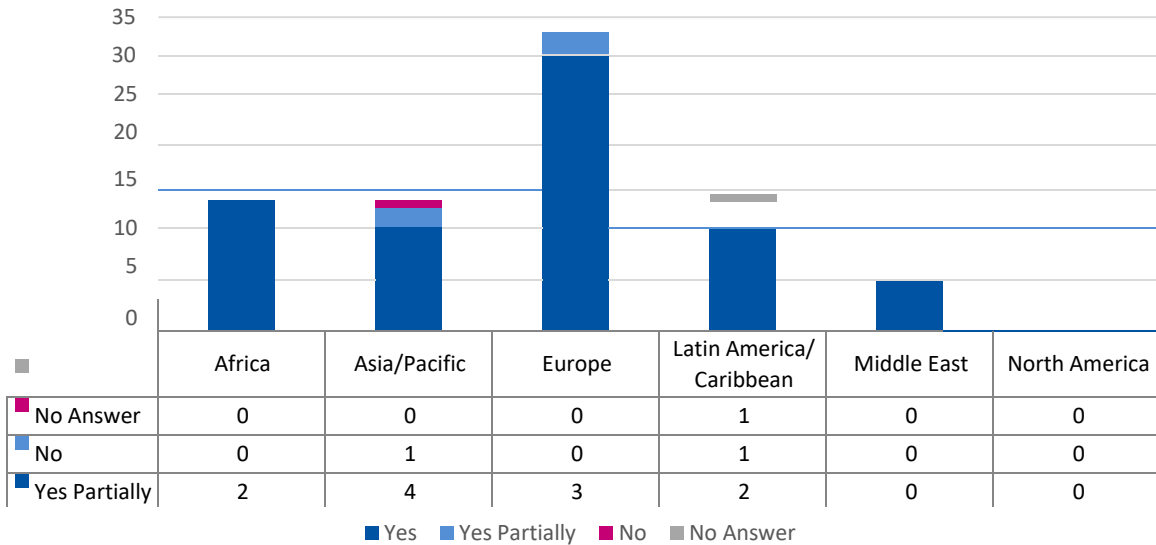
3.6.1 Ten (10) States, representing 13% of total respondents, provided additional comments on national rules and regulations on charges. Some States restated that their national regulations on charges are consistent or compatible with ICAO’s policies. Some States from Europe indicated that the application of EU regulations is compatible with ICAO’s policies. Other States indicated that they are in the process of implementing regulations that are consistent with ICAO’s policies.

4. IMPLEMENTATION OF ICAO’S POLICIES ON CHARGES

4.1 Question 3.1 a) – In general, has your State implemented ICAO’s policies on charges for airports and air navigation services (Doc 9082)?

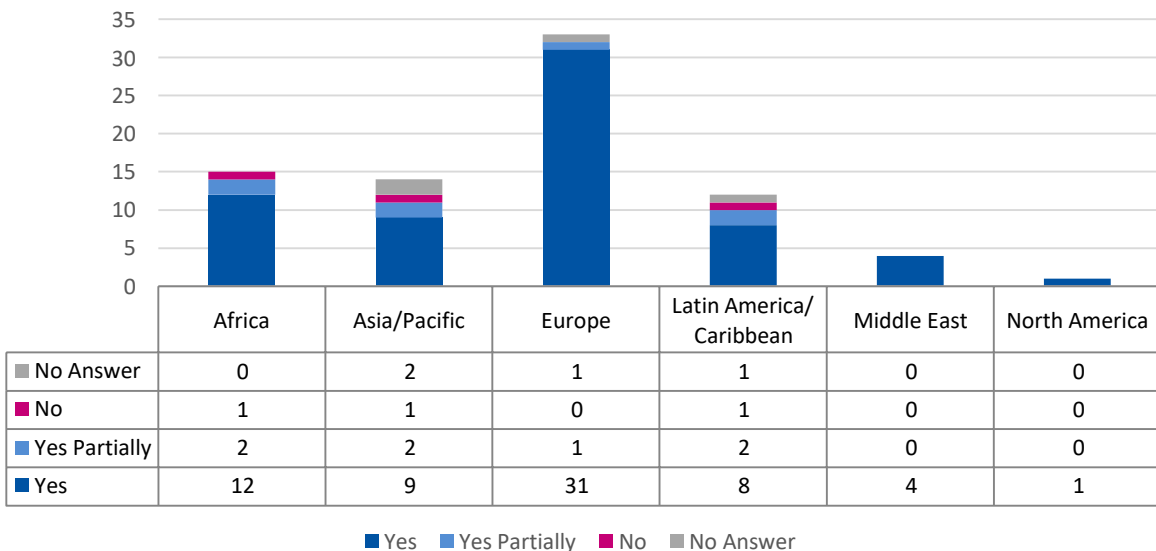
4.1.1 **Airports:** 65 States, representing 82% of total respondents, confirmed that ICAO’s policies on charges for airports have been implemented. 11 States, representing 14% of total respondents, indicated that ICAO’s policies on airport charges are partially implemented. Two (2) States, or 3%, replied that they are not implementing ICAO’s policies on airport charges, and one (1) State, or 1%, did not provide response to this question. The responses by region are shown in Figure 4.1.

Figure 4.1: States' implementation of ICAO's policies on charges for airports



4.1.2 **Air navigation services:** 65 States, representing 82% of total respondents, confirmed that ICAO’s policies on charges for air navigation services are being implemented. Seven (7) States, representing 9% of total respondents, indicated that ICAO’s policies on air navigation services charges are partially being implemented. Three (3) States, or 4%, replied of not implementing ICAO’s policies on air navigation services charges, and one (1) State, or 1%, did not provide response to this question. The responses by region are shown in Figure 4.2.

Figure 4.2: States' implementation of ICAO's policies on charges for ANSPs



4.2 Question 3.1 b) – *If partially, please specify.*

4.2.1 With regard to the reasons for partially implementation of ICAO’s policies on charges, some States indicated that while ICAO’s policies are fully implemented for air navigation service charges, they are partially implemented for airport charges due to existing national government policies. Some States explained that the key charging principles in ICAO’s policies were not fully implemented, for example, limited to non-discrimination and consultation. Others mentioned that they are in the process of fully implementing ICAO’s policies.

4.3 Question 3.1 c) – *If “No”, are you planning to do so in the near future?*

4.3.1 As shown in Figures 4.3 and 4.4, among the responding States, which have not implemented ICAO’s policies on charges for airports, 71% indicated that they plan to do so in the near future. While out of the responding States, which have not implemented ICAO’s policies on charges for air navigation services, 57% responded that they are planning to do so in the near future.

Figure 4.3: Future implementation of ICAO’s policies on charges for airports

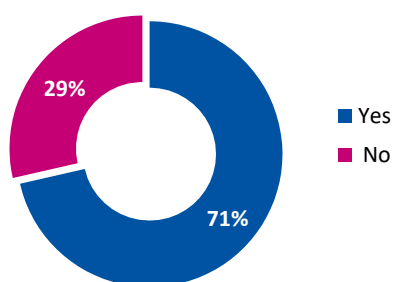
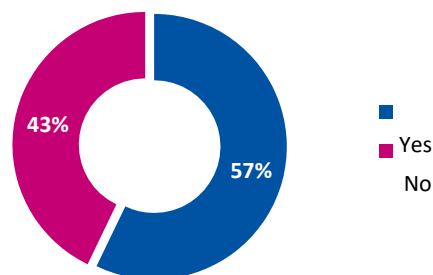


Figure 4.4: Future implementation of ICAO's policies on charges for air navigation services



4.4 Question 3.2 a) – *Assembly Resolution A40-9 (Appendix C) “Urges Member States to adopt the principles of non-discrimination, cost-relatedness, transparency and consultation, as set out in Doc 9082, in national legislation, regulation or policies, as well as in air services agreements, to ensure compliance by airports and air navigation services providers”. Are the above ICAO main principles incorporated in your national legislation, regulation or policies?*

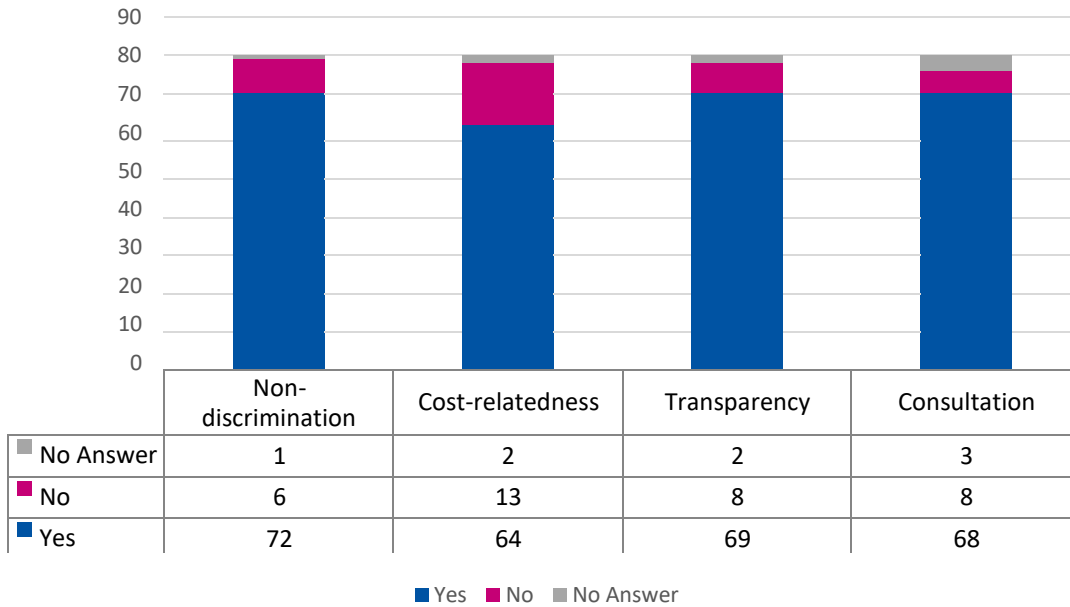
4.4.1 Incorporation of ICAO main principles of charges for airports (as shown in Figure 4.5).

- a) **‘Non-discrimination’**: 72 States, representing 91% of the total respondents, confirmed that this principle for charges is incorporated in their national legislations, regulations or policies. Six (6) States, or 8% of total respondents indicated that they have not incorporated this principle in their national legislations, regulations or policies, while one (1) State did not provide response.
- b) **‘Cost-relatedness’**: 64 States, representing 81% of the total respondents, confirmed that this principle for charges is incorporated in their national legislations, regulations or policies. 13 States, or 16% of total respondents, indicated that they have not incorporated this principle in their national legislations, regulations or policies, while two (2) States did not provide response.
- c) **‘Transparency’**: 69 States, representing 86% of the total respondents, confirmed that this principle for charges is incorporated in their national legislations, regulations or policies. Eight (8) States, or 10% of total respondents, indicated that they have not

incorporated this principle in their national legislations, regulations or policies, while two (2) States did not provide response.

- d) **‘Consultation’**: 68 States, representing 91% of the total respondents confirmed that this ICAO main principle for charges is incorporated in their national legislations, regulations or policies. Six (6) States, or 8% of total respondents, indicated that they have not incorporated this principle in their national legislations, regulations or policies, while three (3) States did not provide response.

Figure 4.5: Adoption of ICAO principles in national legislation/regulation - airport



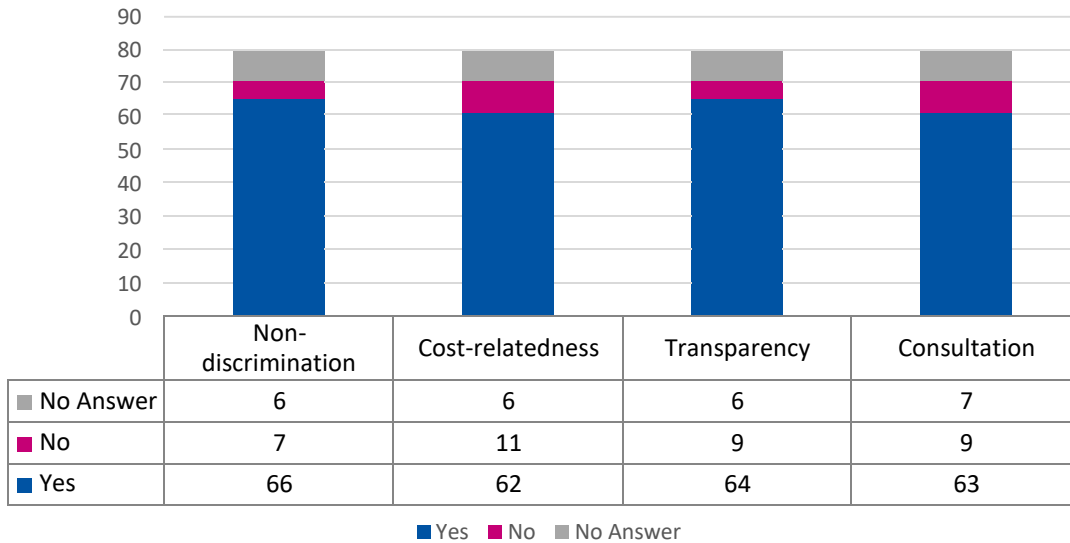
4.4.2

Incorporation of ICAO main principles of charges for ANSPs (as shown in Figure 4.6).

- a) **‘Non-discrimination’**: 66 States, representing 84% of the total respondents, confirmed that this principle for charges is incorporated in their national legislations, regulations or policies. Seven (7) States, or 9% of total respondents, indicated that they have not incorporated this principle in their national legislations, regulations or policies, while six (6) States did not provide response.
- b) **‘Cost-relatedness’**: 62 States, representing 78% of the total respondents, confirmed that this principle for charges is incorporated in their national legislations, regulations or policies. 11 States, or 14% of total respondents, indicated that they have not incorporated this principle in their national legislations, regulations or policies, while six (6) States did not provide response.
- c) **‘Transparency’**: 64 States, representing 81% of the total respondents, confirmed that this principle for charges is incorporated in their national legislations, regulations or policies. Nine (9) States, or 11% of total respondents, indicated that they have not incorporated this principle in their national legislations, regulations or policies, while six (6) States did not provide response.

- d) **‘Consultation’**: 63 States, representing 80% of the total respondents, confirmed that this principle for charges is incorporated in their national legislations, regulations or policies. Nine (9) States, or 11% of total respondents, indicated that they have not incorporated this principle in their national legislations, regulations or policies, while seven (7) States did not provide response.

Figure 4.6: Adoption of ICAO principles in national legislation/regulation - ANSPs



4.5 Question 3.2 b) – If “No”, are you planning to do so in the near future?

4.5.1 **Airports:** As shown in Figures 4.7, among the States, which have not fully adopted ICAO main principles in their national legislations, regulations or policies of charges for airports, 50% indicated that they plan to adopt ‘non-discrimination’ and ‘cost-relatedness’ in the near future, 56% plan to adopt ‘transparency’, and 60% plan to adopt ‘consultation’.

4.5.2 **ANSPs:** As shown in Figures 4.8, amongst the States, which have not fully adopted ICAO main principles in their national legislations, regulations or policies of charges for ANSPs, 33% indicated that they plan to adopt ‘non-discrimination’ in the near future, 38% plan to adopt ‘cost-relatedness’, 43% plan to adopt ‘transparency’, and 50% plan to adopt ‘consultation’.

Figure 4.7: Future adoption of ICAO principles in national legislation/regulation - airports

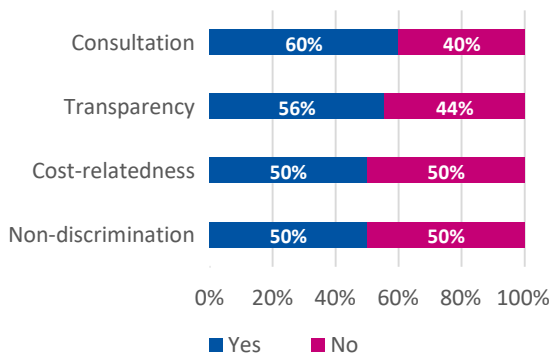
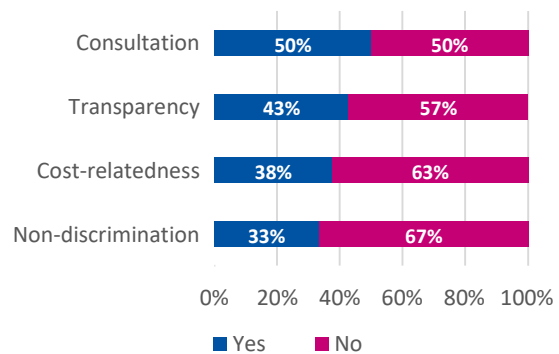


Figure 4.8: Future adoption of ICAO principles in national legislation/regulation - ANSPs

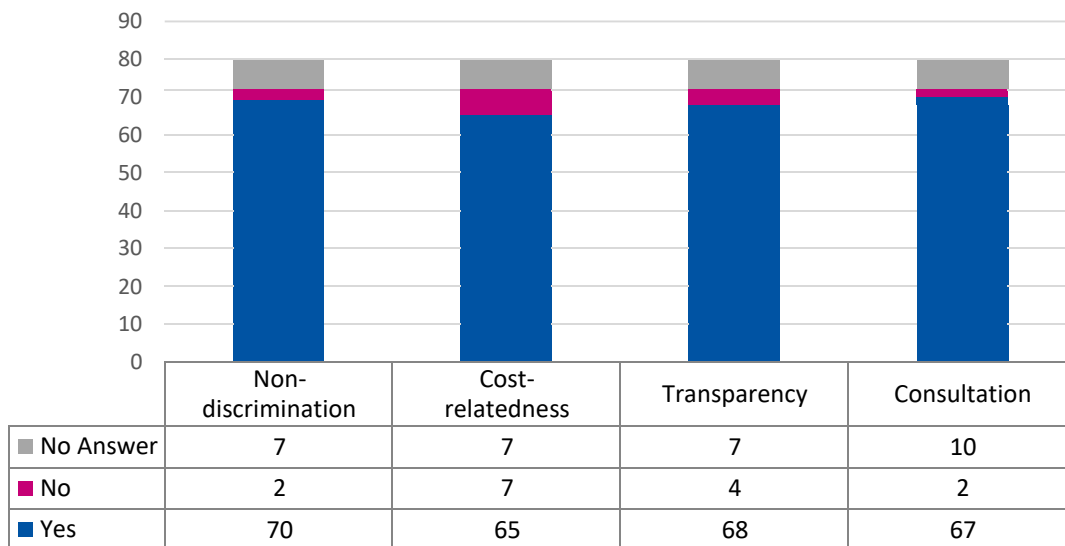


4.6 Question 3.3 a) – Are the above ICAO main principles incorporated or reflected in the air services agreements concluded by your State with other States?

4.6.1 The responses to each ICAO main principle are shown in Figure 4.9.

- a) **‘Non-discrimination’**: 70 States, representing 89% of the respondents, confirmed that the non-discrimination principle for charges is incorporated or reflected in the air services agreements concluded by their States with other States. Two (2) States, or 3%, indicated that the principle is not incorporated in their air services agreements, while seven (7) States did not provide response.
- b) **‘Cost-relatedness’**: 65 States, representing 82% of the respondents, confirmed that the cost-relatedness principle for charges is incorporated or reflected in the air services agreements concluded by their States with other States. Seven (7) States, or 9%, indicated that the principle is not incorporated in their air services agreements, while seven (7) States did not provide response.
- c) **‘Transparency’**: 68 States, representing 86% of the respondents, confirmed that the transparency principle for charges is incorporated or reflected in the air services agreements concluded by their States with other States. Four (4) States, or 5%, indicated that the principle is not incorporated in their air services agreements, while seven (7) States did not provide response.
- d) **‘Consultation’**: 67 States, representing 85% of the respondents, confirmed that the consultation principle for charges is incorporated or reflected in the air services agreements concluded by their States with other States. Two (2) States, or 3%, indicated that the principle is not incorporated in their air services agreements, while 10 States did not provide response.

Figure 4.9: Incorporation of ICAO main principles in the air services agreements

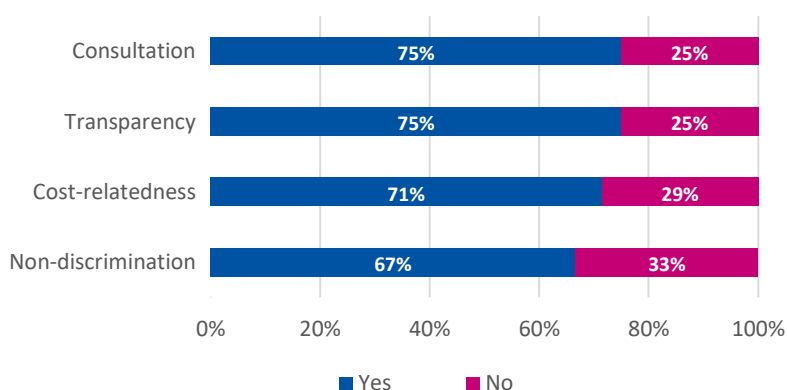


■ Yes ■ No ■ No Answer

4.7 Question 3.3 b) – *If “No”, are you planning to do so in the near future?*

4.7.1 As shown in Figure 4.10, among the States which have not fully incorporated ICAO main principles in their air services agreements concluded with other States, 67% indicated that they plan to incorporate ‘non-discrimination’ in the near future, 71% plan to incorporate ‘cost-relatedness’, 75% plan to incorporate ‘transparency’, and 75% plan to incorporate ‘consultation’.

Figure 4.10: Future incorporation of ICAO main principles in the air services agreement



4.8 Question 3.4 – *If you have any comments for this item (implementation of ICAO’s policies on charges), please indicate them below.*

4.8.1 20 States, representing 25% of total respondents, provided additional comments on implementation of ICAO’s policies on charges. The comments are summarized as the following:

- a) Some States indicated that although the ICAO key principles are not specified in their national legislations, regulations or policies, they have been giving regard to them in practices;
- b) Some States highlighted that consultation with stakeholders is conducted before new charges are implemented by both airports and ANSPs;
- c) Some States commented that they plan to implement ICAO’s policies in the near future; and
- d) Some States mentioned that all the current model bilateral agreements of their States do contain clauses on the four principles.

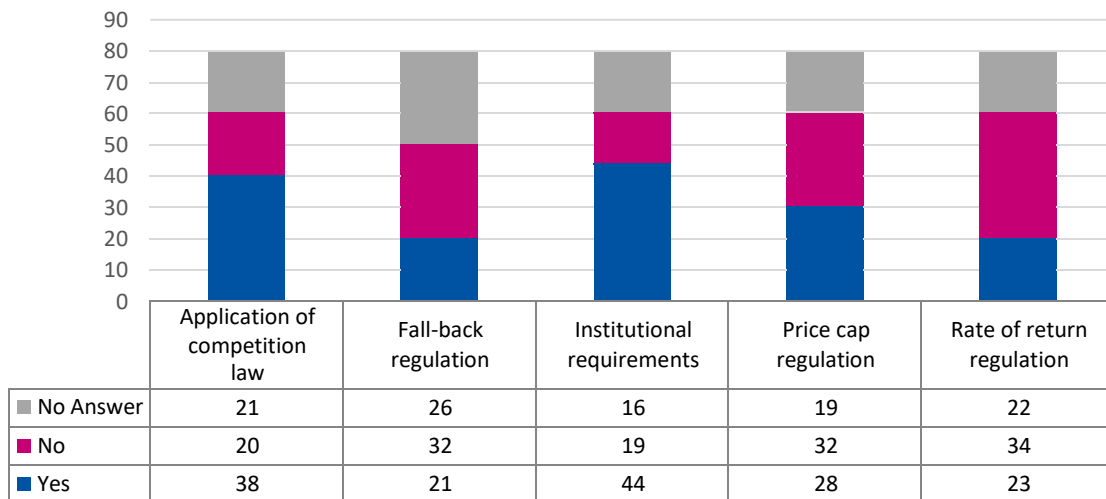
5. FORMS OF ECONOMIC OVERSIGHT

5.1 Question 4.1 – *With respect to the forms of economic oversight being applied, please indicate which forms are adopted using the list below (described in Chapter 1, Part C, of the Airport Economics Manual, Doc 9562 and the Manual on Air Navigation Services Economics, Doc 9161)*

5.1.1 Forms of economic oversight applied to **airports** (as shown in Figure 5.1)

- a) **‘Application of competition law’**: 38 States, representing 48% of the total respondents, confirmed that they apply the *application of competition law* form of economic oversight. 20 States, representing 25% of respondents, indicated that they do not apply this form of oversight, while the remaining 21 States, or 27%, did not provide response.
- b) **‘Fall-back regulation’**: 21 States, representing 27% of the total respondents, confirmed that they apply the *fall-back regulation* form of economic oversight. 32 States, representing 41% of respondents, indicated that they do not apply this form of oversight, while the remaining 26 States, or 33%, did not provide response.
- c) **‘Institutional requirements’**: 44 States, representing 56% of the total respondents, confirmed that they apply institutional requirements form of economic oversight. 19 States, representing 24% of respondents, indicated that they do not apply this form of oversight, while the remaining 16 States, or 20%, did not provide response.
- d) **‘Price cap regulation’**: 28 States, representing 35% of the total respondents, confirmed that they apply the price cap regulation form of economic oversight. 32 States, representing 41% of respondents, indicated that they do not apply this form of oversight, while the remaining 19 States, or 24%, did not provide response.
- e) **‘Rate of return regulation’**: 23 States, representing 29% of the total respondents, confirmed that they apply the rate of return regulation form of economic oversight.. 34 States, representing 43% of respondents indicated that they do not apply this form of oversight, while the remaining 22 States, or 28%, did not provide response.

Figure 5.1: Forms of economic oversight adopted for airports



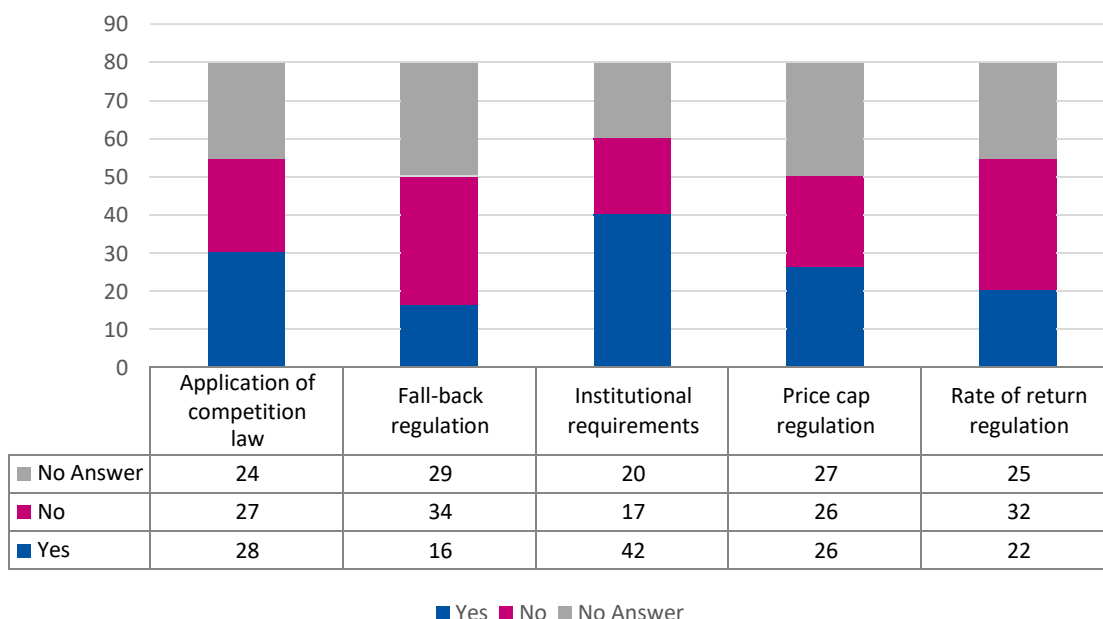
5.1.2 Forms of economic oversight applied to **ANSPs** (as shown in Figure 5.2)

- a) **‘Application of competition law’**: 28 States, representing 35% of the total respondents, confirmed that they apply the application of competition law form of economic oversight. 27 States, representing 34% of respondents, indicated that they

do not apply this form of oversight, while the remaining 24 States, or 30%, did not provide response.

- b) **‘Fall-back regulation’**: 16 States, representing 20% of the total respondents, confirmed that they apply the fall-back regulation form of economic oversight: 34 States, representing 43% of respondents, indicated that they do not apply this form of oversight, while the remaining 29 States, or 37%, did not provide response.
- c) **‘Institutional requirements’**: 42 States, representing 53% of the total respondents, confirmed that they apply the institutional requirement form of economic oversight. 17 States, representing 22% of respondents, indicated that they not apply this form of oversight, while the remaining 20 States, or 25%, did not provide response.
- d) **‘Price cap regulation’**: 26 States, representing 33% of the respondents, confirmed that they apply the price cap regulation form of economic oversight. 26 States, representing 33% of respondents, indicated that they do not apply this form of oversight, while the remaining 27 States, or 34%, did not provide response.
- e) **‘Rate of return regulation’**: 22 States, representing 28% of the respondents, confirmed that they apply the rate of return regulation form of economic oversight. 32 States, representing 41% of respondents, indicated that they do not apply this form of oversight, while the remaining 25 States, or 32%, did not provide response.

Figure 5.2: Forms of economic oversight adopted for ANSPs



5.2 Question 4.2 – If you have any comments for this item (forms of economic oversight), please provide them below.

5.2.1 21 States, representing 27% of total respondents, provided additional comments on forms of economic oversight. The comments are summarized as the following:

- a) Some States highlighted that since the airports and ANSPs are administered by the State, their commercial and operational activities are supervised in conjunction with economic oversight, ensuring non-discrimination and transparency in the implementation of charges;
- b) Some States have a hybrid model of economic oversight such as “fall-back regulation” plus “price-cap regulation”, while only apply competition law to smaller airports;
- c) In certain States, economic oversight is conducted by other government agencies instead of civil aviation authorities;
- d) Some States indicated that their original scheme of airport charges is set based on cost with a reasonable rate of return as agreed with the airlines, and any proposed changes are consulted with users; and
- e) Some States also stressed the need and importance for providing more explanation and training on different forms of economic oversight to civil aviation authorities.

6. OTHER COMMENTS AND SUGGESTIONS TO ICAO

6.1 Majority of the comments were related to raising awareness, training and capacity building. A summary of suggestions are as follows:

- a) There is a need for greater dissemination of ICAO documents, i.e. Doc 9082, Doc 9562 and Doc 9161, and training among those responsible for the regulatory and charges related aspect of Members States;
- b) There is a need for more awareness seminars for States on ICAO’s policies and updates based on *No Country Left Behind* (NCLB);
- c) ICAO should organize regional workshops, at least every two years, for States including civil aviation authorities, airport operators and ANSPs, to sensitize ICAO’s policies on charges for airports and air navigation services and to share best practices relating to forms of economic oversight;
- d) There is a need for regular training to States, civil aviation authorities and all related stakeholders on the economic oversight for smooth implementation the policies; and
- e) ICAO has published a series of policies, manuals, guidance materials, etc. with respect to air transport economics, however, potential Annex containing Standards and Recommended Practices relating to this area would enable States to implement them more easily in national legislations, regulations, and policies.

APPENDIX - LIST OF RESPONDENTS (79)

Africa (15)	Asia and Pacific (14)	Europe (33)	Latin American/ Caribbean (12)	Middle East (4)	North America (1)
Angola	Australia	Armenia	Bolivia (Plurinational State of)	Bahrain	United States
Benin	Cambodia	Austria	Brazil	Iraq	
Burkina Faso	China	Azerbaijan	Chile	Jordan	
Central African Republic	Hong Kong SAR China	Belgium	Cuba	Kuwait	
Egypt	Indonesia	Bulgaria	Curaçao		
Equatorial Guinea	Japan	Channel Islands (U.K.)	Ecuador		
Ethiopia	Macao SAR China	Cyprus	Guyana		
Kenya	Maldives	Czechia	Peru		
Mali	Marshall Islands	Denmark	Saint Lucia		
Nigeria	Mongolia	Estonia	Trinidad and Tobago		
Sao Tome and Principe	Pakistan	Finland	Uruguay		
Seychelles	Singapore	France	Venezuela (Bolivarian Republic of)		
St. Helena (U.K.)	Thailand	Georgia			
Togo	Viet Nam	Germany			
United Republic of Tanzania		Gibraltar (U.K.)			
		Greece			
		Hungary			
		Ireland			
		Latvia			
		Lithuania			
		Netherlands			
		North Macedonia			
		Norway			
		Poland			
		Portugal			
		Republic of Moldova			
		Russian Federation			
		Slovenia			
		Spain			
		Switzerland			
		Turkey			
		Ukraine			
		United Kingdom			