

Pursuant to Article 133 paragraph 2 and Article 239 of the Air Transport Law (Official Gazette of the Republic of Serbia Nos 73/10, 57/11, 93/12, 45/15 and 66/15 – other law), the Director of the Civil Aviation Directorate of the Republic of Serbia hereby enacts

REGULATION
amending the regulation on airport charges

Article 1

Article 1, paragraph 4, point (2) of the regulation on airport charges (Official Gazette of the Republic of Serbia Nos 71/13 and 48/16) shall be amended so as the words “for the access to the equipment at the airport intended for ”are replaced with “collected for”.

Article 2

In Article 3, point (4): “Directorate” is replaced so as to read: “competent authority”.

Point (5) shall be amended to read:

“(5) *airport operator* means any legal or physical person operating an aerodrome and holding the certificate, licence or approval for using that airport. For the purpose of this Regulation, the term “airport operator” shall mean an aerodrome managing body;”.

Article 3

Article in 6, paragraph 1, the full stop at the end of the paragraph shall be replaced by comma with the following addition: “of which the European Commission shall be notified prior to application.”.

Paragraph 2 shall be deleted.

Article 4

Article 7 shall be amended and reads as follows:

“Article 7

Airport operator shall hold regular consultation with airport users or the representatives or associations of airport users with respect to:

- (1) the operation of the system of airport charges;
- (2) the level of airport charges and, as appropriate,

(3) the quality of service provided.

Consultation referred to in paragraph 1 shall take place at least once a year, unless agreed otherwise in the latest consultation. Where a multi-annual agreement between the airport operator and the airport users is concluded, the consultations shall take place as foreseen in such agreement. At the request from the Directorate, the consultations shall take place multiple times a year, or more as determined in the multi-annual agreement.

Changes planned with respect to the system or the level of airport charges shall be subject to prior consultations between the airport operator and the airport users. Airport operator shall submit to the airport users a proposal of any modification to the system or the level of airport charges, together with the reasons for the proposed changes, including the justification of the proposed changes at the latest four months before they enter into force, except where airport charges are reduced, as well as in extraordinary situations that must be justified to the users.

Airport operator shall hold consultations on the proposed changes with the airport users and take their views into account before a decision is taken. The airport operator shall normally publish its decision or recommendation no later than two months before its entry into force. In the event no agreement between the airport operator and airport user is reached regarding the proposed changes, the airport operator shall justify its decision with regard to the view of the airport user.

If no agreement on the proposed changes to the changes to the system or the level of airport charges is reached between the airport operator and airport users, each of the parties may refer the matter to the Directorate, who in turn examines the justifications for the changes to the system or the level of airport charges, makes an expert analysis and reaches the decision on the modification of the system and the level of airport charges following the consultations with the airport operator and the airport users, and shall undertake any other measures within its competences as prescribed by the law governing air transport.

In the event as described in paragraph 5 of this Article, the decision of the airport operator to introduce changes to the system or the level or airport charges shall not enter into force until the Directorate, without undue delay, examines and decides on the matter in question.

The side seeking the intervention from the Directorate shall elaborate on its request to examine the justification for the changes to the system and/or the level of airport charges. The requesting side must state the facts upon which it established its request accurately with precision and clarity.

If the facts stated are not of general knowledge, the requesting party shall corroborate the facts with the evidence which must be submitted to the Directorate, if possible. The Directorate

may request that other documentation be submitted as it deems necessary for reaching an informed decision.

In the event of the irregularity of the request submitted or if the request is illegible, incomplete or deficient in any way which impedes the Directorate from proceeding accordingly, the Directorate shall, within the eight days from receiving the request, inform the requesting party of the manner to modify its request within the timeframe that cannot be less than eight days. If the request is not modified within the above timeframe, the Directorate takes the decision whereby the request is rejected.

If the Directorate accepts the request, it conducts examination procedure giving the opportunity to the other party to make a statement on what is specified in the request and suggest the relevant evidence.

Prior to deciding on modifying the system and/or the level of airport charges, the Directorate *inter alia* takes into consideration the following:

- 1) justification for changing the system and / or the level of charges;
- 2) influence of the system and / or the level of charges on the quality and volume of service;
- 3) if the system and / or the level of charges infringes the principle of discrimination of airport users;
- 4) ratio of cost for providing the service, the level of compensation for its provision and the estimated prices per unit of service;
- 5) presence of potential contingency situations;
- 6) effect of the changes to the system and/or level of charges on the development of air traffic.

If it is not feasible for the Directorate to take the final decision on this legal matter within the deadline proposed by the airport operator, no later than four months from the date of the receipt of the request, the Directorate may issue an interim decision that remains effective by the time the final decision is made.

The final decision on the modification of the system or the level of airport charges shall be taken without undue delay and not later than four months from the date of the submission of the mediation request, with the possibility of extending the deadline for two more months in extraordinary justified circumstances, and shall enter into force 60 days after date of its publication."

Article 5

This Regulation shall enter into force on the following day of the day of its publication in the Official Gazette of the Republic of Serbia.

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Belgrade, 27 October 2017

Director

Mirjana Cizmarov