

On the basis of Article 237 point 3) and Article 265, and in relation to Article 134 of Air Transport Law („Official Gazette of the Republic of Serbia”, No. 73/10, 57/11 and 93/12),

The Management Board of the Civil Aviation Directorate of the Republic of Serbia adopts

REGULATION ON AIRPORT CHARGES

Subject matter

Article 1

This Regulation determines the services for which charges shall be payable to an airport operator and the basic principles for the levying of airport charges at the airports open to commercial traffic and entered on Aerodrome Register, whose annual traffic in the preceding year was over five million passenger movements.

If at neither of the airports referred to in paragraph 1 the annual traffic in the preceding year was over five million passenger movements, this Regulation shall apply to the airport with the biggest annual traffic in the preceding year.

The Civil Aviation Directorate of the Republic of Serbia (hereinafter: the Directorate) shall publish on its website the list of airports to which this Regulation applies and shall update the list annually.

This Regulation shall not apply to:

(1) the charges collected for the remuneration of en route and terminal air navigation services, calculated and defined according to the principles established in ratified international agreements and determined in the annual cost base for the purpose of regulatory and oversight tasks, in line with the law governing air transport and the regulations on calculating and determining charges for air navigation services transposing Commission Regulation (EC) No 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services and Commission Regulation (EU) No 1191/2010 of 16 December 2010 amending Regulation (EC) No 1794/2006 laying down a common charging scheme for air navigation services;

(2) the charges collected for the remuneration of groundhandling services provided in accordance with the regulation governing access to the groundhandling market at airports transposing Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports.

(3) the charges levied for the funding of assistance to disabled passengers and passengers with reduced mobility, in accordance with the law governing obligations and the basics of property relations in air transport, the section governing the rights of disabled persons and persons with reduced mobility, transposing Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

Transposition

Article 2

This Regulation is harmonised with the Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges.

Definitions

Article 3

Certain terms in this Regulation shall have the following meaning:

(1) *aerodrome* means any defined area (including any buildings, installations and equipment) on land or water or on a fixed, fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft. *Airport* means any land area specifically adapted for the landing, taking-off and manoeuvring of aircraft, including the ancillary installations which these operations may involve for the requirements of aircraft traffic and services, including the installations needed to assist commercial air services;

(2) *airport charge* means a levy collected for the benefit of the airport operator and paid by the airport users for the use of facilities and services, which are exclusively provided by the airport operator and which are related to landing, take-off, lighting and parking of aircraft, and processing of passengers and freight;

(3) *airport user* means a legal person or an entrepreneur responsible for the carriage of passengers, baggage, mail and/or freight by air to or from the airport concerned;

(4) *airport network* means a group of airports duly designated as such by the Directorate and operated by the same airport operator;

(5) *airport operator* means an undertaking, a legal person or an entrepreneur operating an airport, registered to provide airport services, holding an airport certificate and entered on Aerodromes Register. For the purposes of this Regulation „airport operator“ shall mean „*airport managing body*“;

(6) *airport managing body* means an undertaking, a legal person or an entrepreneur which has as its primary objective under national laws the administration and management of the airport infrastructure and the coordination and control of the activities of the different operators present in the airports or airport network concerned.

Non-discrimination

Article 4

Airport operator shall establish airport charges in a way that ensures no discrimination among airport users, in accordance with applicable regulations.

This does not prevent the modulation of airport charges for issues of public and general interest, including environmental issues.

The criteria used for such a modulation shall be relevant, objective and transparent.

Airport network

Article 5

The airport operator of an airport network may introduce a common and transparent airport charging system to cover the airport network.

Common charging systems

Article 6

Airport operator may apply a common and transparent charging system at airports serving the same city or conurbation, provided that each airport fully complies with the requirements on transparency set out in Article 8.

Common charging system referred to in paragraph 1 shall be applicable upon the approval of the Directorate, of which the Directorate shall inform the European Commission in writing.

Consultation and remedy

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 exists, the consultations shall take place as foreseen in such agreement. Upon the request of the Directorate, consultations shall be held more frequently in one year - or more frequently than foreseen in the multi-annual agreement.

Changes planned with respect to the system or the level of airport charges are subject to prior consultations between the airport operator and the airport users. To that end, the airport operator shall submit any proposal to modify the system or the level of airport charges to the airport users, together with the reasons for the proposed changes, as well as the justification of proposed changes, no later than four months before they enter into force.

The airport operator shall, before a decision is taken with respect to changes, take the views of airport users into account. The airport operator shall publish its decision or recommendation no later than two months before its entry into force. The airport operator shall justify its decision with regard to the views of the airport users in the event that no agreement on the proposed changes is reached between the airport operator and the airport users.

In the event of a disagreement between the airport operator and the airport users over a decision on the modification of the system or the level of airport charges, either party may seek the intervention of the independent supervisory authority referred to in Article 12 which shall examine the justifications for the modification of the system and the level of airport charges, carry out expert analysis, take a decision on the modification of the system and the level of airport charges upon consultations with the operator and the users and undertake any other measure within its competences established by the law governing air transport.

In the event referred to in paragraph 5, the decision of the airport operator on the modification of the system or the level of airport charges shall not take effect until the independent supervisory authority referred to in Article 12 of this Regulation, without undue delay, examines and decides on the matter in question.

The independent supervisory authority referred to Article 12 shall, within the timeframe proposed by the airport operator or at the latest one month upon the matter being brought before it, take an interim decision on the matter which will remain in effect until the final decision is taken, unless the final decision can be taken within the same deadline.

The final decision on the modification of the system or the level of airport charges shall be taken without undue delay, at the latest four weeks upon the matter being brought for an intervention, with a possibility of prolonging this deadline for two more months in exceptionally and justified circumstances, and it shall take effect on the sixtieth day upon its publication.

Transparency

Article 8

At least seven days prior to the regular consultations referred to in Article 7, paragraph 1, the airport operator shall provide each airport user, or the representatives or associations of airport users with information on the components serving as a basis for determining the system or the level of all charges.

Information referred to in paragraph 1 shall include:

- (1) a list of the various services and infrastructure provided in return for the airport charge levied;
- (2) the methodology used for setting airport charges;
- (3) the overall cost structure with regard to the facilities and services which airport charges relate to;
- (4) the revenue of the different (other) charges and the total cost of the services covered by them;
- (5) any financing from public authorities of the facilities and services which airport charges relate to;
- (6) short and mid-term forecasts of the situation at the airport as regards the charges, traffic growth and proposed investments;
- (7) the actual use of airport infrastructure and equipment over a given period; and
- (8) the predicted outcome of any major proposed investments in terms of their effects on airport capacity.

At least fourteen days prior to the regular consultations referred to in Article 7, paragraph 1, the airport users shall provide the airport operator with the following information:

- (1) short and mid-term forecasts as regards traffic;
- (2) short and mid-term forecasts as to the composition and envisaged use of their fleet;
- (3) short and mid-term development projects at the airport concerned; and
- (4) other requirements at the airport concerned.

The information referred to in paragraphs 2 and 3 shall be considered as confidential and shall not be disseminated to third parties without the written consent of the information owner.

In the case of an airport operator quoted on the stock exchange, stock exchange regulations in particular shall be complied with.

New infrastructure

Article 9

The airport operator consults with airport users before plans for new infrastructure projects are decided upon.

Quality standards

Article 10

In order to ensure smooth and efficient operations, the airport operator shall enter into negotiations with the representatives or associations of airport users with a view to concluding a service level agreement with regard to the quality of services provided at the airport. These negotiations on service quality may take place as part of the consultations referred to in Article 7, paragraph 1 of this Regulation.

Any such service level agreement shall be based on the actual system or the level of airport charges so that the determined level of quality of services that are provided at the airport is in accordance with the actual system or the level of airport charges.

Differentiation of services

Article 11

With the aim of providing tailored services, including a single user dedicated terminal or part of a terminal handling passengers or cargo, the airport operator may vary the quality and scope of particular airport services.

For the reasons of the difference in the quality and scope of services referred to in paragraph 1, the airport operator may, due to different costs, decide to set the level of airport charges differentiated according to the quality and scope of such services or based on any other objective and transparent justification, without prejudice to the principle of non-discrimination referred to in Article 4 of this Regulation.

The airport operator shall enable any airport user wishing to use the tailored services or dedicated terminal or part of a terminal handling passengers or cargo to have access to these services and terminal or part of a terminal.

In the event that more airport users wish to have access to the tailored services or a dedicated terminal or part of a terminal handling passengers or cargo than is possible due to capacity constraints, priority in access shall be determined by the airport operator on the basis of relevant, objective, transparent and non-discriminatory criteria. Prior to the implementation of such decision on priority access and criteria applied, the airport operator shall obtain the approval of the Directorate.

Independent supervisory authority

Article 12

The Directorate shall, in accordance with its supervisory authority established by the law governing air transport, ensure the correct application of the measures assigned under Article 6 of this Regulation in an appropriate, unbiased, non-discriminatory and transparent manner.

In accordance with the international obligations assumed, the European Commission shall be notified on the supervisory authority and competences referred to in paragraph 1 and, on request of the European Commission, the Directorate shall submit a report on the supervisory measures taken to ensure compliance with paragraph 1.

The provisions of Article 12 of this Regulation are without prejudice to the rights of airport operators and airport users that stem from the regulations on the protection of competition in the Republic of Serbia.

Entry into force
Article 13

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

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Belgrade, 25 July 2013

Management Board

President

Milutin Mrkonjic