

DECLARATION OF GUAYAQUIL

Adopted in the city of Guayaquil, Ecuador,

On October 5, 2005

By the XIV ACI-LAC Regional Assembly



Airports Council International / Latin America and the Caribbean
Consejo Internacional de Aeropuertos / Latinoamérica y el Caribe

Secretaría Regional ACI-LAC / ACI-LAC Regional Secretariat

Whereas,

That Airports Council International/Latin America and The Caribbean (ACI-LAC) represents the unified positions of the Latin American and the Caribbean airports in all the relevant issues of civil aviation in accordance with the policies and positions of ACI World, in agreement with the particularities of the airports of the Region;

That the "Declaration of Varadero", adopted by the XI ACI-LAC Regional Assembly in November 27, 2002 contains a catalogue of declarations and principles that constitute the base or platform that started the transformation of the vision that the governments and the civil aviation authorities of Latin America and the Caribbean, as well as other actors of the industry had of the airports on the Region;

That the "Declaration of Lima" adopted by the XII ACI-LAC Regional Assembly in November 20, 2003 ratified those principles and urged the governments and international agencies (ICAO-LACAC) to deepen the joint development of the airports new criteria, norms, regulations, procedures, and recommendations of the airports, considering the special airport legal order, to be common for the entire region and be adopted and incorporated to the national legislations of each country according to their sovereign decisions;

That the "Declaration of Trinidad & Tobago" adopted by the XIII ACI-LAC Regional Assembly in November 3, 2004, emphasized the positive economic impact of civil aviation and in general of the air transport in the headings of tourism and commerce, the convenience that airports participate in the configuration and discussion of the aerial-commercial policy of the States and the negotiations on traffic rights and the necessity that the totality of the income generated by the industry is not derived to other sectors of the economy of each State;

That ICAO has recognized the new reality of the world airport operation claimed by ACI, including the Latin American and the Caribbean region, updating historical and expired criteria from past times;

That the ICAO Policy Manual on airport rights and air navigation services, 2004 (Doc. 9082/7) declares as principle that "Airports have the possibility to generate sufficient revenues that are superior to the totality of exploitation direct and indirect expenses (including the general and administrative expenses, etc.), in order to obtain reasonable benefits on the assets at a level that allows to be able to get financial favorable conditions in the capital markets with the intention to invest in new and extended airport infrastructure, and properly remunerate the airport shareholders when appropriate".

That ICAO important and transcendental recognition, requires to be complemented with principles and new regulations or to be adopted as an interpretation guideline in the legal, regulatory and contractual existing framework, where the airport law emerges like a useful and effective tool;

That although lately the cooperation and dialogue between the airports and the airlines have progressed, in significant and sensible aspects for the sustainability of the airport service - as without a doubt the economic aspects constitute - worrisome backward movements are observed for third



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parties, not the airport operators. Among them the millonaire economic losses of the airports of the Region, result of the numerous debts that the airlines have for aeronautical tariffs; beginning of legal actions against valid fees and the interference pretension in renegotiation processes in which the States and airport Operators deal with other issues other than the airlines;

That airlines have increased their criticism and attacks against the airports, blaming the Governments and the airport operators of the economic difficulties they are crossing, misinforming and confusing - when not dramatizing- the authorities and the users, being the airports the ones to end up subsidizing the inefficiency of many of them;

That aeronautical rates perceive by the airports (airport charges) are a low component within the structure of the airlines costs. According to the ICAO numbers historically they are not over 4 %;

That aeronautical tariff (airport charges) is directly related to ticket prices that the airlines charge the passengers, reason why these are not the cause of the increase or diminution of their price. In the same way they do not constitute a critical element for an airline to decide to general or stop operating a certain air route;

That the fees for passengers services are recognized by the ICAO Council as "essentials" for the economy of an important number of airports (ICAO, Doc. 9082/7). Without a doubt, the airports of the Region are included among them;

That one of the reasons of the airlines crisis it's the inefficiency of his commercial policies and in the competition or the "tariff war" dispute among them;

That while the Low Cost model continues gaining market in the Region, the authorities and the airports face a challenge and an opportunity to reformulate the present airport regulation and operation so that the legal ordering responds widely to both models of flights commercialization so that there will have suitable tools to facilitate and promote the development of tourism, commerce and the progress of cities and regions;

That the Latin American Commission of Civil Aviation - LACAC- within the framework of the 15th Experts Groups in Political, Economic and Legal Affairs (GEPEJTA) meeting held in Asuncion, Paraguay, reported about the vision of the States of the Region in relation to airports concession contracts, emphasizing that these processes have reported benefits, where some of them stand out like, adjustment of the airport infrastructure to international standards; the modernization of passenger customer service; the expansion of the capacity; the modernization and improvement of airports; the comply of rules; the generation of employment and State savings.

That the sustainable development of the aero commercial activity is bound to the internment of the environmental costs of the chain of activities and to a correct management from the operators of aircrafts, the fuel suppliers, the agents of handling, the suppliers of goods and services, the airport operator, the authorities and the community in general and all those that for any reason develop activities at the airport and in its surroundings.



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Consejo Internacional de Aeropuertos / Latinoamérica y el Caribe

Secretaría Regional ACI-LAC / ACI-LAC Regional Secretariat

That most of the environmental impacts that are generated in the chain of activities of the aero commercial industry, come together in the airports and their areas of influence, where the airports are involved in situations that are not generated by them nor are their responsibility (noise and the aircrafts emissions; accidents, residues and effluents);

That also for sustainable development the planning and implementation of Master Plans of the airport areas must efficiently be used, since the aero commercial activity within the influence area produces positive and negative impacts, without letting aside the environment impacts on the airport, that can even generate restrictions to the activity or future development (expansion) of the airport;

That environmental management in the airport industry recognizes general principles according to which the generator of the impact or environmental damage (pollution) is the one in charge to assume the costs of the repair and that the economic resources of the airport must be efficiently assigned, this is considering the relation between cost-effectiveness;

THE XIV ACI-LAC ASSEMBLY DECLARES:

FIRST: To observe positively, the recognition of the ICAO regarding that "The airports have the possibility of generating sufficient incomes superior to the totality of direct and indirect exploitation expenses (including the administrative expenses of general character and, etc.), in order to obtain reasonable benefits on the assets at a level that allows to obtain favorable financing conditions in the capital markets with the intention of investing in new and extended airports infrastructure, and when it corresponds, to properly remunerate the airport shareholders."

SECOND: To urge the competent authorities in the industry and governments in general of the Region to take note from the recognition of the ICAO and to deepen it by taking actions and internal regulations, in that same regard, the legislative frameworks and valid contractual.

THIRD: To insist in taking conscience on the authorities parties of the administrative, legislative and judicial authorities of the importance that the aeronautical income that come from the aircrafts operators and the passengers, as well as from the need to adopt legal measures and mechanisms to avoid affectations and interdictions to the natural flow of funds that constitute these airport incomes, assuring therefore the anticipated resources for the normal, safe and efficient service;

FORTH: To take note of the need to initiate a process of deep and consistent study of the effects on the present regulation of airports and necessities of the airport service, that the phenomenon of commercialization of low cost aerial tickets (Low Cost Carriers) continues promoting itself in the Region, specially the study of a new regulation adapted to that reality assure the security of the air operations;

FIFTH: To emphasize the constant success and improves whereupon, in spite of the crisis and the adversities, the airports of the Region serve under their responsibility and the satisfaction demonstrated by the States at the LACAC regarding the positive results obtained in the processes of airport infrastructure concession as it can be noticed in the survey made in that International



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Consejo Internacional de Aeropuertos / Latinoamérica y el Caribe

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Organism;

SIXTH: To insist to the authorities, that the remaining actors of the air-commercial industry and to the nongovernmental organizations and the community in general to generate conducive policies, actions and regulations to the suitable internment of the environmental costs that are generated from the activities that are developed at the airport and its surroundings. With it, it is urged to contribute to the sustainable development of all the industry being assumed internment of the costs on the part of all the actors in right and balanced form, optimizing the relation cost-effectiveness. This way it will be avoided that airports get unjustly penalized forcing them to assume other people environmental costs and that income to inefficient costs or investments are destined for the airport service, according to the individual characteristic of each airport.

In Guayaquil, Ecuador on October 5, 2005, the XIV ACI-LAC Regional Assembly, according to the valid By Laws and with the unanimous vote of the attendant members, approves this Declaration as proposed by the Regional Board.