

ERIA TRADE IN SERVICES SECTORAL QUESTIONNAIRE – AIR TRANSPORT SERVICES

COVERAGE (CPC Codes)

10.C. Air Transport Services	
a. Passenger transportation	731
b. Freight transportation	732
c. Rental of aircraft with crew	734
d. Maintenance and repair of aircraft	8868**
e. Supporting services for air transport	746
10.H. Services Auxiliary to all Modes of Transport	
a. Cargo-handling services	741
b. Storage and warehouse services	742
c. Freight transport agency services	748
d. Other	749

Notes: ** The service specified constitutes only a part of the total range of activities covered by the CPC item number.

INTRODUCTION

The questionnaire covers the conditions of *competition* in the sector, notably policy restrictions on entry; restrictions on *ownership*, private and foreign; and *regulation*, including air services agreements and regulations governing the allocation of landing slots.

Note (1): Please give information for the current year only. Please record actual practice.

Note (2): Whenever a question is not applicable, (eg because the particular activity or institution is not allowed), please indicate using 'NA', rather than leaving the cell blank. Please also explain why the question is not applicable.

Note (3): Where reporting monetary values, please note currency.

Note (4): If insufficient space is provided, please attach additional information on separate sheets.

SUGGESTED INFORMATION SOURCES

Government department in charge of regulating domestic and/or international airline services and/or airports.

Independent national or regional regulatory body overseeing these activities (if different from the above institution)

A domestically-owned airline company (if necessary)

A foreign-invested airline company (if necessary)

A domestically-owned or foreign-invested airport management company (if necessary)

A. Commercial presence (mode 3) - restrictions on entry

1. Are there policy restrictions to new entry (refer only to operators wanting to establish commercially)?				
Service	Entry by any Firm	If yes, total number of firms allowed	Entry by firms with foreign participation ¹	If yes, number of firms with foreign participation allowed
International air passenger transport (scheduled services) ²	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
International air passenger transport (non-scheduled charter services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
International air freight transport ^{2,3}	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Domestic air transport (scheduled services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Domestic air transport (non-scheduled charter services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Domestic air freight transport ³	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Provision of fuel	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Luggage and freight loading and unloading	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Aircraft repair and maintenance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Selling and marketing of air transport services	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Computer reservation system	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

2. If entry is restricted, what are the reasons provided by the government? Use the definitions below to fill in the table:						
	1—To give protected operators time to prepare for competition. 2—To increase government revenue from privatization or license fees. 3—Exclusive rights believed necessary to attract (strategic) investment. 4—It is believed that market can sustain only a limited number of operators. 5—Strategic activity reserved to the state.					
Service	Reasons					
	1	2	3	4	5	Other (describe in brief)
International air passenger transport (scheduled services)						
International air passenger transport (non-scheduled charter services)						
International air freight transport						
Domestic air transport (scheduled services)						
Domestic air transport (non-scheduled charter services)						
Domestic air freight transport						
Provision of fuel						

¹ This category also includes branches and subsidiaries of foreign suppliers.

² Include designation among restrictions.

³ All-cargo carriers, express delivery companies.

Luggage and freight loading and unloading						
Aircraft repair and maintenance						
Selling and marketing of air transport services						
Computer reservation system						

B. Restrictions on cross-border trade (mode 1)

3. Are there restrictions on cross-border supply by foreign service providers in non-scheduled (charter) air transport market?			
	Entry by foreign firm	If yes, total number of foreign providers allowed	If yes, reason for restriction ⁴
International air passenger transport (non-scheduled charter services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		
Domestic air transport (non-scheduled charter services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		

4. Bilateral Air Service Agreements (ASAs). If there is not enough space, please attach the answer separately.		
Type of bilateral ASAs	Number of signed, but not operational, bilateral ASAs	Number of operational bilateral ASAs
Predetermined (TP) ⁵		
Bermuda (B) ⁶		
"Point to Point" Open Skies (POS) ⁷		
"Multiple Point" Open Skies (MOS) ⁸		
Other (please state)		

⁴ Use reason codes in question 2.

⁵ each country designates one single company to operate on the bilateral route; limited number of points/routes operated by designated airlines as listed in the bilateral's annex; capacity and frequency to be agreed ex ante; few 5th freedom granted

⁶ each country designates one or several airlines on each route; limited number of points/routes operated by designated airlines as listed in the bilateral's annex; there is no ex ante capacity control on each route, capacity offered is often negotiated via commercial agreements between airlines; several 5th freedoms may be granted, but total capacity must be proportional to the needs of the main bilateral route

⁷ multiple designation of airlines; free access to designated routes, between specific points, either departure or arrival points may be left open and unrestricted; no frequency or capacity control; extensive 5th freedom rights are granted

⁸ multiple designation of airlines; airlines can fly on any route between two states; no frequency or capacity control; unrestricted 5th freedom

<p>5. Is the country a member of any plurilateral open skies agreement group?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please list other members of the group:</p>

6. Please fill in the following information referring to clauses in operational Air Service Agreements:		
a) Ownership/withholding clauses in ASAs		
	Names of countries in the bilateral ASAs ⁹	Names of plurilateral open skies agreement groups ¹⁰
Substantial ownership and effective control		
Community of interest		
Principal place of business		
b) Tariff clauses in ASAs		
	Names of countries in the bilateral ASAs	Names of plurilateral open skies agreement groups
Double approval ¹¹		
Country of origin ¹²		
No approval needed		
Double disapproval ¹³		
Other mechanism of setting tariffs (please describe in brief)		
c) Capacity clauses imposed on foreign airlines		
	Names of countries in the bilateral ASAs	Names of plurilateral open skies agreement groups
No capacity constraints		
Capacity constraints		
d) Number of foreign airlines designated		
	Names of countries in the bilateral ASAs	Names of plurilateral open skies agreement groups
Single		
Double		
Multiple		
e) Routes specification for the foreign airlines		
	Names of countries in the bilateral ASAs	Names of plurilateral open skies agreement groups
Routes not specified		
Routes specified		

⁹ Include a single country in more than one category if necessary, ie if ASAs covering different city pairs have different provisions.

¹⁰ Include air transport liberalization within EU in this category.

¹¹ Both states must approve a tariff.

¹² Only the state in which the transportation originates needs to approve the tariff.

¹³ Both states concerned must disapprove a tariff to prevent it from coming into effect.

f) Frequency of flights for the foreign airlines		
	Names of countries in the bilateral ASAs	Names of plurilateral open skies agreement groups
Frequency not limited		
Frequency limited		
g) Freedoms of the air granted to foreign airlines for passenger traffic		
	Names of countries in the bilateral ASAs	
	Unrestricted freedom	Restricted freedom (eg only to capital cities – please state)
Third freedoms ¹⁴		
Fourth freedoms ¹⁵		
Fifth freedom ¹⁶		
Sixth freedom ¹⁷		
Seventh freedom ¹⁸		
Cabotage ¹⁹		
h) Freedoms of the air granted to foreign airlines for freight traffic (where different from above)		
	Names of countries in the bilateral ASAs	
	Unrestricted freedom	Restricted freedom (please state)
Third freedoms		
Fourth freedoms		
Fifth freedom		
Sixth freedom		
Seventh freedom		
Cabotage		

¹⁴ The right of an airline of one country to carry traffic (passenger, cargo, mail) from its country to another country.

¹⁵ The right of an airline of one country to carry traffic (passenger, cargo, mail) from another country to its own country.

¹⁶ The right of an airline of one country to carry traffic between two other countries providing the flight originates and terminates in its own country.

¹⁷ The right of an airline of one country to carry traffic between two other countries via its own country.

¹⁸ The right of an airline of one country to carry traffic between two other countries without the flight originating or terminating in its own country.

¹⁹ The right of an airline of one country to carry domestic traffic between two points within the territory of another country.

C. Restrictions on the movement of intra-corporate transferees of foreign-invested companies (mode 4)

7. Are there residency or nationality requirements or quotas for any of the following categories of personnel employed by locally established foreign airline transport services companies?	
	Minimum number/percentage of nationals/residents (please specify)
Members of the board of directors	
Executives	
Managers	
Skilled workers	
Unskilled workers	
Other staff (specify):	

8. Identify the categories of intra-corporate transferees whose entry and stay is subject to labour market tests?	
Members of the board of directors	
Executives	
Managers	
Skilled workers	
Unskilled workers	
Other staff (specify):	

D. Ownership

9. Is private ownership in the provision of services through commercial establishment allowed?				
Services	Existing operators	Maximum private equity permitted (%)	New entrants	Maximum private equity permitted (%)
International air passenger transport (scheduled services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
International air passenger transport (non-scheduled charter services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
International air freight transport	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Domestic air transport (scheduled services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Domestic air transport (non-scheduled charter services)				
Domestic air freight transport				
Provision of fuel	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Luggage and freight loading and unloading	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Aircraft repair and maintenance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Selling and marketing of air transport services	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Computer reservation system	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

10. Is foreign ownership in the provision of services through commercial establishment allowed?				
Services	Existing operators	Maximum foreign equity permitted (%)	New entrants	Maximum foreign equity permitted (%)
International air passenger transport (scheduled services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
International air passenger transport (non-scheduled charter services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
International air freight transport	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Domestic air transport (scheduled services)	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Domestic air transport (non-scheduled charter services)				
Domestic air freight transport				
Provision of fuel	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Luggage and freight loading and unloading	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Aircraft repair and maintenance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Selling and marketing of air transport services	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Computer reservation system	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

11. Does the government have a special government voting right in the airlines?
 No Yes

12. Please mark in the table below, the appropriate ownership structure for up to the 5 most important international airports in terms of traffic:

Assets ownership/Service provision	Airports				
Publicly owned/publicly operated					
Publicly owned/ privately operated (e.g., by concession)					
If so - is operator foreign?					
Privately owned/privately operated					
If so - is operator foreign?					
- is owner foreign?					

E. Regulation

13. Institutional status of sector regulator		
	For carriers	For airports
Name of regulator		
When was the regulator established?		
Is the regulator institutionally independent from the Ministry?	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes
Is the regulator institutionally independent from the operating entity (airline, airport)?	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes

14. How are flight slots allocated in airports?

- By grandfathering rights
- By slot auction
- By a combination of grandfathering rights and slot auction
- By authorities discretion
- By flag carrier discretion
- By airport discretion
- By IATA guidelines²⁰
- Other: _____

15. How are gate slots allocated in airports?

- By grandfathering rights
- By slot auction
- By a combination of grandfathering rights and slot auction
- By authorities discretion
- By flag carrier discretion
- By airport discretion
- By IATA guidelines
- Other: _____

16. Carrier alliances

- a) Are alliances and other carrier agreements allowed? No Yes
- b) Are carrier agreements exempted from competition law? No Yes
- c) Is codesharing allowed? No Yes

17. Price regulation

- a) Does the government regulate airfares?
 - On domestic routes No Yes
 - On international routes No Yes
- b) If yes to a), is fare discounting allowed?
 - On domestic routes No Yes
 - On international routes No Yes

²⁰ The IATA regime which has no legal status or enforcement mechanisms, is essentially based on the criteria of past performance, together with some simple rules intended to create openings for new entrants and to ensure that slots are not sterilized and left unused by companies (the 'use' or 'lose' principle).

18. What licence conditions must new domestic entrants fulfill?		
Service	Payment of license fee (indicate amount in local currency)	Other (describe in brief)
International air passenger transport (scheduled services)		
International air passenger transport (non-scheduled charter services)		
International air freight transport		
Domestic air transport (scheduled services)		
Domestic air transport (non-scheduled charter services)		
Domestic air freight transport		
Provision of fuel		
Luggage and freight loading and unloading		
Aircraft repair and maintenance		
Selling and marketing of air transport services		
Computer reservation system		

19. Do the licence conditions for foreign-invested providers who establish locally differ from those above (tick whichever applies)?				
	Foreign providers not allowed	Conditions same	Conditions differ	Describe difference
International air passenger transport (scheduled services)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
International air passenger transport (non-scheduled charter services)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
International air freight transport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Domestic air transport (scheduled services)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Domestic air transport (non-scheduled charter services)				
Domestic air freight transport				
Provision of fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Luggage and freight loading and unloading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Aircraft repair and maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Selling and marketing of air transport services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Computer reservation system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

20. Does the government subsidize domestic airlines?
 No Yes If yes, please indicate the airlines.

21. Has the government covered operational losses of airlines in the past ten years?
 No Yes If yes, please indicate the amount in each of the last ten years.

22. Does the government oblige large national airlines to provide universal service?
 No Yes

How does the government define universal service (or universal access)?

23. Please provide separately the texts of all bilateral and plurilateral air service agreements signed since 2002.

If you have any queries about this questionnaire, please contact:

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