

## **DECISION**

**No 45-06-4/28.12.2015**

On the grounds of Article 16e and Article 122k, par. 2 of the Civil Aviation Act (CAA), with reference to a letter with our reg. No 40-02-513/16.11.2015 sent to "Sofia Airport" EAD requesting the delivery of an opinion and documentation regarding the appeal brought by "Bulgaria Air" AD against Resolution No 544/29.10.2015 of the Executive Director of DG "CAA", a letter with our reg. No 40-02-513/26.11.2015 containing "Sofia Airport" EAD's opinion on the matter together with an analysis of the costs by separate types of charges, minutes from the hearing dated 03.12.2015 held at the premises of DG "CAA" with the participation of "Sofia Airport" EAD and "Bulgaria Air" AD containing the explicitly expressed intention for a settlement between the two disputing parties to be reached, a letter with our No 40-02-534/08.12.2015 sent to "Sofia Airport" EAD and "Bulgaria Air" AD, received letter with our No 40-02-534/09.12.2015 from "Sofia Airport" EAD containing proposals for new levels of the discounts for Landing Charge and Passenger Charge, a letter with our No 40-02-534/09.12.2015 from "Bulgaria Air" AD requesting assistance for continuing the negotiations, a letter with our No 40-02-534/09.12.2015 sent to "Sofia Airport" EAD and "Bulgaria Air" AD containing guidelines for conducting further bilateral meetings concerning the additional discounts proposed by "Sofia Airport" EAD, minutes from the hearing held on 14.12.2015 with the participation of "Sofia Airport" EAD and "Bulgaria Air" AD containing a refusal to reach a settlement, letters with our No 51-00-172/11.12.2015 sent to "Sofia Airport" EAD and "Bulgaria Air" AD requesting the provision of additional economic information, fact sheets sent electronically by "Sofia Airport" EAD and "Bulgaria Air" AD, Report from the Committee appointed by the Executive Director of DG "CAA" with Order No 45-01-578/16.11.2015, and in relation to Article 6, par.1 of the Rules of Procedure of DG "CAA",

### **I HAVE ADOPTED THE FOLLOWING DECISION:**

- I.** I confirm Resolution No 544/29.10.2015 of the Executive Director of "Sofia Airport" EAD issued on the grounds of Article 122j, par. 1 of the CAA in the part comprising items 1, 2, 4, 5 and 6 of it.
- II.** I confirm the Resolution under item I above in the part comprising item 3 – "Passenger Charge", with the exception of item 3.5.2 of it.
- III.** I amend item 3.5.2 of the Resolution under item I above as follows:  
In item 3.5.2 the words: "For number of departed passengers on International routes" shall be amended to read: "For number of departed passengers on routes".

#### **Rationale:**

Article 3 of Appendix 1 to the Charges Regulations applicable for the usage of public airports and for the provision of air navigation services in the Republic of Bulgaria – "Cost types included in Passenger Charge" foresees the possibility, for Passenger Charge, "the charge to be differentiated with respect to passengers on International flights and passengers on Domestic flights". In this context, item 3.5.2 of the appealed resolution makes provision for differentiation in the Passenger Charge discount for the number of departed passengers on international routes.

After having examined and assessed the claims of the parties made in “Bulgaria Air” AD’s appeal and “Sofia Airport” EAD’s opinion on it, DG “CAA” as an independent supervisory authority considers that this possibility for differentiation in the level of the Passenger Charge should not be applied since the quality of services and the standards for safety and security should be and are equal for all serviced departed passengers, regardless of the route they are flying – on domestic or international services.

- IV.** On the grounds of Article 122k, par.2 of the CAA this decision shall not be subject to an appeal procedure.
- V.** The same shall apply until the date of entry into force of the decision of DG “CAA” that will be given under Article 122p, par.1 of the CAA.
- VI.** This decision shall be published on the official website of DG “CAA”.
- VII.** This decision shall be sent by registered post with acknowledgement of receipt to “Sofia Airport” EAD and “Bulgaria Air” AD.

Mincho Tzvetkov  
Executive Director  
DG “CAA”