

NOTICE TO EUROPEAN UNION LICENSED CARRIERS

SUBJECT: Routes Italy/Israel. Allocation procedure for Summer/Winter 2014 and Summer/Winter 2015

1. GENERAL INFORMATION

- 1.1 Administrative application of EU-Israel Agreement (hereinafter *the Agreement*) – Pending the conclusion of ratification processes, *the Agreement* is administratively applied on the basis of reciprocity
- 1.2 Qualifying carriers: European Union licensed carriers.

General information on traffic rights related to routes between Italy and Israel

A) Weekly Services set out in *the Agreement*:

Summer 2014 – Winter 2014-2015:

- Rome-Tel Aviv: up to 28
- Milan-Tel Aviv: up to 20
- up to 14 on each of the remaining city-pairs on the routes between Italy/Israel

Summer 2015 – Winter 2015-2016:

- Rome-Tel Aviv: up to 31
- Milan-Tel Aviv: up to 27
- up to 21 on each of the remaining city-pairs on the routes between Italy/Israel

B) Weekly Services assigned (at the end of Winter Season 2013-2014) to EU carriers on the following city-pairs:

Rome-Tel Aviv: 28	Milan-Tel Aviv: 14	Verona-Tel Aviv: 14
Bari-Tel Aviv: 1	Bergamo-Tel Aviv: 2	Bologna-Tel Aviv: 1
Cagliari -Tel Aviv: 1	Catania-Tel Aviv: 1	Naples-Tel Aviv: 2
Olbia-Tel Aviv: 2	Palermo-Tel Aviv: 1	Venice-Tel Aviv: 2



C) Available traffic rights on city-pairs

On today's date, on each city pair available traffic rights are the result of the difference between the number of services set out in *the Agreement* (as indicated in letter A) above) and the ones allocated to EU carriers (as stated in letter B) above).

2. TENDER PROCESS ON *Rome-Tel Aviv, Milan-Tel Aviv* and *Verona-Tel Aviv* CITY PAIRS

Taking into consideration that *Rome-Tel Aviv, Milan-Tel Aviv* and *Verona-Tel Aviv* are capacity-constrained routes, EU licensed carriers are admitted to participate to the following Tender Process:

2.1 Traffic rights to be allocated within the limits indicated with reference to the number of weekly services for each seasons and city pairs specified below :

- a) *Winter Seasons 2014-15*
on the route Milan-Tel Aviv within the limit of 6 (six) services.

Pending the conclusion of the Tender Process, airlines interested to start services on Milan-Tel Aviv city-pair within Summer Season 2014 may apply for a provisional assignment. The relevant applications will be considered according to a chronological order and the provisional allocation will not exceed Summer Season 2014. It is understood that no score will be considered with regard to this provisional allocation, in case of participation to any Tender Process related to the mentioned city-pair.

- b) *Summer Season 2015 and Winter Season 2015/16*
Rome-Tel Aviv up to 3 (three)
Milan-Tel Aviv up to 7 (seven)
Verona-Tel Aviv up to 7 (seven)

2.2 Procedures to be observed under pain of exclusion

2.2.1 HEADED PAPER AND OFFER FOR EACH SINGLE CITY-PAIR:

Each Offer has to be submitted on air carrier headed paper and related to a single city-pair. It must include the following information:

- a) Name of applicant (including any trading name)
- b) Address and contacts (telephone number; fax number; Legal Email and other Email addresses)
- c) *EU licensed carriers (with the exception of Italian licensed airlines)* are requested to inform: (1) about the state of issue of the Operating licence; (2) that



there are no restrictions of the Operating licence and of the Air Operator Certificate (AOC) that could impede the operation of flights on the requested route ; (3) that any possible future restriction on the Operating licence and AOC will be communicated to ENAC without delay; (4) that the airline has one or more home bases in Italian airports (for the concept of home base please refer to both article 1 of Regulation (EU) 465/2012 and to article 38 of Law Decree no. 179/2012 converted into Law no. 221/2012). The list has to be attached to the Offer. The statement is requested also if no home bases are present in Italian airports;

They are also requested to attach: (5) a statement of the Aeronautical Authority (of the State that has licensed the air carrier) confirming the administrative application of *the Agreement* on reciprocity in favor of Italian licensed carriers.

d) statements about (1) economic and operational sustainability of the route and in this respect a *profit and loss account* related to each route has to be enclosed as well; (2) aircraft rotation.

e) complete routing (both IATA codes and the full name of each airports have to be mentioned)

f) Frequencies per week, per each IATA season and the periods of operation during each IATA season.

g) Aircraft type / Class / Seats

h) Declaration under Italian D.P.R. 28-12-2000 n. 445 that statements given in the Offer and relevant attachment are true (original signature and a copy of an identification document of the person who has signed are required). Mention has to be made to the consciousness of the legal responsibilities deriving from false statements.

i) Original Signature on each page/ Name / position in company

l) date

Moreover, a copy of the AOC would be highly appreciated.

2.2.2 ENVELOPE – The Offer must be placed inside a sealed envelope. Each Offer must refer to a single CITY-PAIR; outside the envelope both the city-pair of interest and the name of the carrier must be indicated.

2.2.3 DEADLINE FOR THE APPLICATION:

30 April, 2014 (14.00), local time. Prompt deliver is at sender's risk.

2.2.4 CHECK OF THE INFORMATION

Information given in the offer may be checked by ENAC at any time.



2.2.5 OPERATIONAL OBLIGATIONS

Assigned traffic rights must be operated in strict compliance with the program submitted in the Offer and according to provisions in force in the Italian territory. Particular reference is made to:

- ENAC Circular 14A dated 19/12/2008 (see paragraph 4.2 – an extract is attached herewith) for obligations to be respected and for revocation and suspension provisions
- article 1 of Regulation (EU) 465/2012 and to article 38 of Law Decree no. 179/2012 converted into Law no. 221/2012)

2.2.6 Offers cannot be modified or completed after deadline.

2.2.7 ADDRESSES FOR TRANSMISSION

Offers must be sent to:

ENAC – Direzione Sviluppo Trasporto Aereo – Viale Del Castro Pretorio, 118 – 00185 Roma, Italia

In alternative offers may be delivered by hand to: “ENAC - Ufficio protocollo” , Viale Castro Pretorio 118 00185 Roma, in Enac headquarters (between 9:00am and 14:00pm from Monday to Friday – only on working days).

Air carriers are also requested for organization aspects to communicate that they have sent an Offer to the following *Email address*: trasporto.aereo@enac.gov.it the *E-mail subject* has to indicate: “Israel allocation procedure”.

The provisions relating to tenders and to grant, refusal and variation of traffic rights are under ENAC Circular 14-A of 2008 above mentioned.

2.2.8 ASSEGMENT PROCEDURES AFTER EXPIRATION DATE

Once the deadline of April 30, 2014 is expired, applications concerning the assignment of remaining traffic rights on the routes under consideration will be allocated according to a chronological order, until a new allocation procedure is communicated to interested carriers by ENAC.

2.3 Evaluation criteria and scores

Offers will be evaluated according to *criteria and scores* provided for under ENAC Circular EAL 14 A dated 19 December 2008 (the relevant link on ENAC website is the following:

http://www.enac.gov.it/repository/ContentManagement/information/P971679584/EAL_14A.pdf)



It is understood that only clear and detailed information will be evaluated.

2.4 Revocation of the tendering process

This Tendering process may be revoked at any time.

3. ALLOCATION PROCEDURE ON REMAINING CITY-PAIRS

On city-pairs other than those governed by paragraph 2 (Rome/Milan/Verona from/to Tel Aviv), traffic rights are allocated according to the chronological order of arrival of Applications.

As far as formal aspect are concerned, Applications must:

- be submitted on headed papers and signed by a legal representative of the airline.
- have all details necessary for assignment, clearly indicated
- be sent by legal Email to the following address:
protocollo@pec.enac.gov.it
- be communicated to the following Email address too:
trasporto.aereo@enac.gov.it.
- to specify on the subject the following wording: "*Traffic rights application - Routes: Italy-Israel – air carrier's name*"
- Original Signature on each page/ Name / position in company of the who sign the application

Airlines must also enclose in the Application statements:

a) by the air carrier:

1) affirming that the airline has one or more home bases in Italian airports (for the concept of home base please refer to both article 1 of Regulation (EU) 465/2012 and to article 38 of Law Decree no. 179/2012 converted into Law no. 221/2012). The list is to be complete and the statement is requested also if no home bases are present in Italian airports.

2) about economic and operational sustainability of the route and in this respect a *profit and loss account* related to each route has to be enclosed as well;

3) explaining aircraft rotation.

b) by the Aeronautical Authority (of the State that has licensed the air carrier) confirming the administrative application of *the Agreement* on reciprocity in favor of Italian licensed carriers and

Declaration must be given Under Italian D.P.R. 28-12-2000 n. 445: they have to specify that statements given in the Application and relevant attachments are true (original signature and a copy of an identification document of the person who has



signed are both required). Mention has to be made to the consciousness of the legal responsibilities deriving from false statements.

A copy of the AOC would be highly appreciated.

Email addresses for further information: Principal contact: g.laschena@enac.gov.it;
alternative contact: l.pettinari@enac.gov.it

It is understood that when the available capacity on a city-pair becomes constrained, a Tender Process will be started by ENAC on the constrained city-pair.

Avv. Fabio Marchiandi

STA/LP

Attachment

EXTRACT OF ENAC CIRCULAR NO. EAL 14A DATED 19/12/2008
ON MARKET ACCESS AND DESIGNATION ON EXTRA EU ROUTES

Link: http://www.enac.gov.it/repository/ContentManagement/information/P971679584/EAL_14A.pdf

PARAGRAPH

4.2 Assegnazione dei diritti di traffico

I diritti di traffico che si rendono disponibili a seguito della conclusione di nuovi accordi, della modifica di quelli vigenti, ovvero in conseguenza della dismissione dei diritti già operati, sono affidati, sulla base delle procedure di seguito indicate, ai vettori stabiliti in Italia in possesso dei requisiti di cui al primo comma dell'art. 785 del Codice della Navigazione ed in base al COA rilasciato agli stessi .

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I vettori aerei nazionali e comunitari in possesso dei requisiti previsti dagli accordi e dalle disposizioni di legge vigenti interessati all'assegnazione dei diritti di traffico debbono far pervenire entro la data e con le modalità indicate nella comunicazione le proprie richieste Designazione delle Compagnie Aeree per l'accesso al traffico extracomunitario 19/12/2008 corredate da un programma operativo per almeno una stagione di traffico IATA corredato dalle informazioni di seguito indicate.

I vettori devono, inoltre, presentare un conto economico relativo alla rotta richiesta con dimostrazione della sostenibilità economica/finanziaria delle attività proposte.

Se l'accordo aereo raggiunto prevede diritti eccedenti o pari rispetto alle richieste pervenute la Direzione Centrale Regolazione Economica attribuisce i diritti stessi ai vettori richiedenti in possesso di licenza di esercizio rilasciata a norma del Regolamento (CE) 1008/2008 e stabiliti in Italia.

Ove invece i diritti di traffico sono limitati, la Direzione Centrale Regolazione Economica attiva una procedura selettiva basata sui criteri sanciti dal Provvedimento del Ministero dei Trasporti del 12 settembre 2007 – Atto di indirizzo per l'affidamento di servizi aerei per destinazioni esterne all'Unione Europea relativo a istanze presentate da compagnie aeree – tramite apposita Commissione.

La medesima procedura selettiva si attiva ogni qualvolta si rendano disponibili diritti di traffico.

La commissione di gara, nominata dal Direttore Centrale Regolazione Economica, valuta le richieste dei vettori sulla base dei parametri di cui al Provvedimento del Ministero dei Trasporti del 12 settembre:

- a) benefici dei consumatori e promozione della competitività del mercato (max 4 punti);
- b) esercizio diretto da parte del vettore (max 8 punti);
- c) ampiezza della copertura temporale (anno - stagione – parte di stagione)(max 3 punti);
- d) grado di utilizzazione dei diritti di traffico esistenti, in termini: di punti di inizio e di destinazione e di capacità (max 4 punti);

- e) distribuzione e numero delle frequenze(1 punto a frequenza fino ad un max di 8 punti);
- f) esercizio di una rotta che copra nel modo più diffuso e capillare il territorio nazionale con servizi aerei da/per Paesi terzi (max 8 punti);
- g) articolazione del servizio (scalo di inizio e di destinazione, non-stop, diretto con scalo/i intermedio/i, scalo/i oltre, cambio di aereo) (max 4 punti);
- h) rete attuale e pianificazione dei collegamenti eserciti in proprio e/o tramite altri vettori (max 5 punti);
- i) tipologia degli aeromobili (max 5 punti);
- l) classi di servizio offerte (max 3 punti);
- m) tariffe scomposte per stagioni (alta, bassa e intermedia), sistemi di vendita aperti all'utenza (max 4 punti);
- n) indicazione circa l'immediata e concreta disponibilità degli aeromobili, ovvero circa le modalità di acquisto e/o finanziamento (max 5 punti);
- o) data di inizio dei servizi (max 5 punti);
- p) esercizio indiretto (modalità operative, rischio commerciale, rapporti contrattuali specifici sulla rotta) (max 4 punti);
- q) eventuali servizi o operazioni già svolte sulla rotta (linea e/o charter e/o tramite code sharing, franchising, wet lease) (max 3 punti).

La Commissione nell'assegnazione dei diritti di traffico tiene conto:

- della coerenza con la struttura e composizione generale dei servizi offerti dall'industria di trasporto aereo;
- della operabilità delle rotte in relazione alle interconnessioni fra i diversi accordi di traffico esistenti ed alle concrete e ragionevolmente prevedibili possibilità di sviluppo;
- della possibilità di integrazione dei collegamenti in essere con ulteriori rotte potenziali, sulla base delle aspettative di evoluzione dei rapporti internazionali;
- dello sviluppo dell'interscambio commerciale e turistico;
- della promozione dell'industria di trasporto aereo e del sistema generale dell'aviazione civile;
- del pluralismo delle imprese;
- dello sviluppo del sistema aeroportuale.

La Commissione, qualora lo ritenga necessario, può richiedere al vettore elementi integrativi e chiarimenti fissando un termine per il riscontro.