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# **AIRPORT CHARGES REGULATORY MODELS**

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## Part I General background

### Measure 1. Definitions

For the purpose of the application of this regulatory act, the following terms and expression shall have the following meaning:

1. **Airside:** the airside area is the airport area (aircraft runways, taxiways and aprons, service and access roads, parts of terminal buildings, other buildings) within the customs areas and/or security checkpoints.
2. **Airport:** any land area specially designed for aircraft landing, take-off and movements, including the associated facilities which it may involve for traffic purposes and aircraft operations, as well as the facilities that are necessary to provide assistance to commercial air services.
3. **Base year:** the last year for which approved financial statements are available, as drafted according to statutory requirements and certified by an auditing company, on the basis of which the airport managing body may draw up certified analytical Accounting data, except as provided for in paragraph 10.1.
4. **Bridge year:** the year between the base year and the first year of the regulatory period, in which the airport managing body fulfils the obligations concerning the preparation and presentation to the users of the proposed review of the airport charges system or of the amount of all charges levied by the airport managing body, except as provided for in paragraph 10.1.
5. **Regulation Authority, Authority or ART:** the Transport Regulation Authority, as set up pursuant to Article 37 of Decree-law no 201 of 6 December 2011, converted, with amendments, into Law no 214 of 22 December 2011.
6. **Independent supervisory authority:** the Authority that, pursuant to article 11 of Directive 2009/12/EC (hereinafter: Directive) of the European Parliament and of the Council of 11 March 2009 on airport charges, must be nominated or established by Member States in order to ensure the correct application of the Directive. In Italy these functions have been assigned to the Authority referred to in paragraph 5.
7. **Regulated (also referred to as "Aviation" or airport) activities or products:** services provided by the airport managing body in return for the payment of airport charges and of the payments subject to charging regulation based on legislative and/or regulatory provisions.
8. **Non-regulated (also referred to as non-Aviation or ancillary) activities or products:** commercial services that are not listed in the regulated activities, which are provided by the airport managing body within the airport area, even though they are produced outside this area, to the users of the managed airport, and to passengers or other entities, for which the managing body may exercise control on the access to the infrastructure.
9. **Incentive activities:** any economic benefit that is granted, in whatever form, by the airport managing body to an airport user — either directly or indirectly through entities that may be referred to the user, as they are controlled directly or indirectly by the user, or by virtue of qualified contractual relationships that are aimed, *inter alia*, at opening new routes, increasing aviation traffic on existing routes, developing airport and/or air traffic of the managing body.

10. **Non-relevant activities or products:** any activity carried out by the managing body, other than the activities referred to under definitions 7, 8 and 9.
11. **Commercial aviation:** any aircraft operation involving the carriage of passengers, cargo and mail by air against remuneration. Among others, scheduled and chartered flights fall into this category.
12. **General aviation:** traffic other than commercial air transport. This category includes, *inter alia*, the activities of flying clubs, flight schools, small private planes, and advertising, aerial photography and aerial surveying services, airborne spraying, transport of external cargo. For the purpose of the application of this regulatory Act, the activity of air taxis falls into this category, too<sup>1</sup>.
13. **Slots:** a permission to land and take off at a coordinated airport on a specific date and time and concerning the possibility of using the full range of airport infrastructure necessary to operate an air service, pursuant to Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports.
14. **Programme contract:** Agreement referred to in Article 704 (4) of the Navigation Code, concluded between ENAC and the airport managing body, which governs, in the context of the concession the commitments assumed by the airport managing body in order to ensure the development and maintenance of the infrastructure as well as adequate levels of security and service.
15. **Convention:** Agreement concluded between ENAC and the airport managing body, which regulates the parties' rights and obligations, arising from the award to the airport managing body of the concession for management, maintenance and use of the assets that are part of the airport area.
16. **Directive 2009/12/EC or Directive:** Directive of the European Parliament and of the Council of 11 March 2009 on airport charges.
17. **Airport charges:** levies collected for the benefit of the airport managing body and paid by the airport users for the use of facilities and services, which are exclusively provided by the airport managing body and which are related to landing, take-off, lighting, parking of aircraft, processing of passengers and freight (article 2 (4) of Directive 2009/12/EC), including the use of centralized infrastructure and assets for common and exclusive use (article 72 (1) (d) of Decree-law no. 1 of 24 January 2012, converted into Law no 27 of 24 March 2012).
18. **ENAC or Agency:** National Civil Aviation Agency (*Ente Nazionale per l'Aviazione Civile*), established by legislative decree no 250 of 25 July 1997, which carries out activities related to technical regulation, certification and supervision in the field of civil aviation, under the guidance, supervision and control of the Ministry of Infrastructure and Transport.
19. **Airport managing body or managing body:** body which, in conjunction with other activities or not as the case may be, has as its objective, under national laws, regulations or contracts, the administration and management of the airport or airport Network infrastructures, as well as the coordination and

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<sup>1</sup> In this respect, reference is made to clarifications made by:

- information note no 2014-003 issued by ENAC on 25 June 2014 reading as follows: "*Air taxi activity, while being an expression of commercial transport in the relationship between aircraft operator and customer, for the purpose of the relationship with aeronautical functions and ground infrastructure interacts with the same modes of a so-called general Aviation flight*";
- Regulation on the award of State-owned airports for general Aviation, issued by ENAC on 22 December 2016, providing that, "*in this respect, for the purpose of this Regulation, the activities which can be carried out on those airports include private, school, aerial work and business Aviation flights, including air taxi flights, and therefore excludes any scheduled or chartered flights*".

control of the activities of the different operators in the airports or airport Network concerned, as referred in Article 2 (2) of Directive 2009/12/EC.

20. **Annual coefficient of productivity improvement  $\pi_t$ :** percentage factor of adjustment (according to the price cap formula) of the dynamics of allowed operating costs, as resulting from the consultation procedure (hereinafter: Procedure).
21. **Landside:** the landside area is the airport area (service and access roads, parts of terminal buildings) outside the customs areas and/or security checkpoints.
22. **Movement:** aircraft take-off or landing at an airport. In the counting of airport traffic, the arrival and departure of the same aircraft gives rise to two movements.
23. **Passengers:** passengers departing from or arriving at an airport. A passenger using a national connection gives rise to a passenger-unit departing from the airport of origin and a passenger-unit arriving at the airport of destination, while in an international connection it shall give rise to a single traffic unit at the national airport.
24. **Charging period or regulatory period:** period of reference for the determination of the charges as a result of the review procedure under this regulatory Act.
25. **Airport Development Plan or Master Plan:** technical and urban planning tool for airport infrastructure development, usually stretching over a period of 10-15 years, on the basis of the estimated air traffic growth, so as to ensure the maintenance of operational safety and quality standards of the service provided to users;
26. **Action Plan:** document drawn up by the airport managing body for the period of the programme contract including: (i) traffic forecasts; (ii) investment plan; (iii) economic and financial plan.
27. **Investment Plan:** document including the investments which the airport managing body commits to implement under a programme contract, pertaining to a regulatory period in accordance with the schedule laid down — for design, processing and entry into operation of each activity — in the time schedule table submitted by the airport managing body and technically approved by ENAC.
28. **Quality and environmental protection plan:** plan of quality and environmental protection indicators pertaining to a regulatory period, that is technically approved by ENAC, for which the airport managing body commits to achieve improvement targets;
29. **Notional items (NI):** positive or negative notional charge components, as referred to under paragraph 10.7.3, aimed at ensuring gradual developments of the charge, also to avoid systemic imbalances, including the lack of coordination between the cash flows generated by the airport management and the financial needs for the implementation of new investments.
30. **Price cap:** method used to determine and update charges, that identifies an upper threshold to the dynamics of the operating costs (as defined under paragraph 10.1.2), for each year of the regulatory period, to which the **annual coefficient of productivity improvement  $\pi_t$**  is applied.
31. **Airport Network or Network:** group of airports that is designated as such by the Ministry of Infrastructure and Transport, in agreement with the Ministry of Economy and Finance, according to the guidelines referred to in ministerial decree no 401 of 26 November 2016, which is entrusted to a single airport managing body, that can be authorized by the supervisory authority to introduce a common and transparent airport charges system to be applied to the entire network.

32. **Airport area:** with regard to the airport infrastructure, system of airside and landside areas that are open to the public, regardless of their ownership.
33. **Service Level Agreement (SLA):** agreement that identifies the level of service to be provided to airport users by the airport managing body against the charges levied, pursuant to Article 78 of Decree-law no 1/2012.
34. **Airport system:** group of airports serving the same city or urban area, within the meaning of Article 74 of Decree-law no 1/2012, in respect of which the supervisory Authority may allow the application of a common and transparent charging system, in compliance with EU legislation, by informing the European Commission, the Ministry of Infrastructure and Transport and the Ministry of Economy and Finance, provided that each airport complies with the transparency obligations laid down in Article 77 of Decree-law no 1/2012.
35. **IATA (International Air Transport Association) season:** period of reference for air traffic planning. As a rule, each year, the summer season runs from the introduction of summer time in EU countries (last Sunday in March), the winter season from the return of winter time (last Sunday in October).
36. **Service unit:** specific unit charge standard for each regulated charge.
37. **Airport user:** any natural or legal person that is responsible for the carriage of passengers, mail and/or freight by air, to and from the airport concerned.
38. **Takeover value:** value that is determined according to the provisions of Article 703 of the Navigation Code that, upon the natural expiry of the concession, the incoming concession holder is required to pay to the outgoing concession holder.
39. **Work Load Unit or WLU:** work load unit or cargo unit, i.e. a passenger (arriving or departing, excluding direct transits and including infants) or 100 kg of cargo or mail.

## Measure 2. Scope

1. Pursuant to the provisions of Articles 71 to 82 of Decree-law no 1/2012 transposing Directive 2009/12/EC into domestic legislation, the present regulatory Act on airport charges applies to national airports, open to commercial traffic, with specific charging measures and separate procedural and operational requirements, depending on whether:
  - a) they had more than 1 million annual passenger movements in at least one of the 5 years preceding the Bridge year, for which data are available (**Errore. L'origine riferimento non è stata trovata. - Model A**);
  - b) they had passenger movements equal to or less than 1 million annual passengers in at least one of the 5 years preceding the Bridge year, for which data are available (**Errore. L'origine riferimento non è stata trovata. - Model B**);
  - c) they have established an airport Network within the meaning of Article 74 (1) of Decree-law no 1/2012, or built an airport System within the meaning of Article 74 (3) (**Errore. L'origine riferimento non è stata trovata. - Principles and criteria for the regulation of airport Networks and Systems**).
2. With specific reference to Part II - Model A, the airport charges regulatory Model identifies a number of specific regulatory measures that apply to airports that, in each of the 5 years preceding the Bridge

year for which data are available, did not exceed 5 million annual passengers (hereinafter: airports with traffic of less than 5 million annual passengers).

3. For the purpose of the classification under paragraph 1:

- a) for the calculation of the passengers carried, reference is made to the final traffic, including arrivals and departures, included in the data communicated by the managing body in the regulatory Accounting referred to in **Errore. L'origine riferimento non è stata trovata.**; if these are not available, reference is made to the traffic data published on the institutional website of the Italian Civil Aviation Authority's (ENAC) and, alternatively, to those published on the website of trade associations;
- b) subject to the provisions of Part IV, all airports covered by a single Concession agreement for the award of the airport management or having the same managing body qualify as the airport with the largest traffic volume.

4. The measures provided for in this regulatory Act do not apply to:

- a) the charges levied to remunerate *en route* and terminal air navigation services, as referred to in Commission Regulation (EC) No 1794/2006 of 6 December 2006;
- b) the charges levied to remunerate ground handling services, as referred to in Annex (A) to legislative decree no 18 of 13 January 1999 implementing Council Directive 96/67/EC of 15 October 1996 on free access to the ground handling market at Community airports<sup>2</sup>;
- c) the charges levied to finance the assistance to persons with disabilities and persons with reduced mobility (PRM) as laid down in Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006<sup>3</sup>.

5. The measures under this regulatory Act shall apply to the consultation procedures for the review of airport charges initiated as of 1 April 2023.

6. As of the year following the date of publication on the Authority's website of the decision of approval of this regulatory Act, each airport managing body is subject to the disclosure obligations set forth in Part V and Part VI of this Act, regardless of the initiation of the procedure for the review of airport charges under this Act.

7. For managing bodies that are required to draw up a recovery plan, in accordance with Article 14 of legislative decree no 175 of 19 August 2016, the application of this regulatory Act shall be subject to the submission of the plan by the managing body to the Authority, for the purpose of carrying out the assessments within the Authority's remit.

### Measure 3. Purpose

1. In compliance with the provisions of Directive 2009/12/EC and in line with Article 37 of Decree-law no 201 of 6 December 2011, this Act pursues the following aims:

<sup>2</sup> Pursuant to article 19 of legislative decree No. 18/1999, "Where airport ground-handling services are provided by a single supplier, the relevant charges are approved by the Ministry of transport and navigation, upon ENAC's proposal".

<sup>3</sup> ENAC is the body responsible for implementing Regulation (EC) No 1107/2006 on charges levied to finance the assistance provided to persons with disabilities and persons with reduced mobility (PRM) in accordance with the provisions of ministerial decree No 107/T of 24 July 2007.

- a) defining of the key issues in the relations between the airport managing body and the users, with regard to the proper functioning of the airport charges system and their setting;
- b) enhancing the regular consultations between the airport managing body and the users to be held at least once a year, unless otherwise agreed in the existing multi-annual agreements between the managing body and the users;
- c) pre-determining the consultation procedures aimed at ensuring transparency and certainty of proper description and identification of the different positions expressed by the airport managing body and the airport users.

2. This Act is designed so as to ensure that charges applied to the users of the above airports comply with the principles set out in Article 80 (1) of Decree-law no 1/2012.

#### **Measure 4. General principles**

1. The airport charges models for the setting of airport charges are characterised by the following:
  - a) definition of a defined regulatory period not exceeding 5 years, under the terms specified in paragraph 24 of Measure 1;
  - b) definition of the mandatory procedure for regular consultation between the airport managing body and the airport users or the representatives and/or associations of airport users in relation to operation of the airport charges system, amount thereof and quality of the service provided;
  - c) differentiation of activities, as illustrated in Part V;
  - d) application of the price cap methodology to the dynamics of allowed operating costs, as set out in **Errore. L'origine riferimento non è stata trovata.;**
  - e) return on net invested capital as defined in Measure 10;
  - f) establishment of the regulatory Accounting system and setting out of accounting separation obligations.
2. The principles and criteria for the charge regulation of airport Networks and Systems which adopt a common and transparent airport charges system, as well as the relevant procedural and operational requirements, are set out in **Errore. L'origine riferimento non è stata trovata.** of this regulatory Act.

## Part II Model A – Airports with traffic over one million passengers

### Measure 5. Scope

1. Pursuant to the provisions of Articles 71 through 82 of Decree-law no 1/2012 transposing Directive 2009/12/EC into domestic legislation, Model A applies to national airports, open to commercial traffic, with a traffic over one million passengers per year in at least one of the 5 years preceding the Bridge year for which data are available.
2. This Model A also identifies specific regulatory measures that apply to airports which, for each of the 5 years preceding the Bridge year for which data are available, have not exceeded 5 million passengers per year.
3. For the purposes of the classification referred to in paragraph 2, for the calculation of the passengers carried, reference is made to the total traffic, including arrivals and departures, to the data communicated by the managing body in the regulatory Accounting, referred to in Part V; where these are not available, reference is made to the data published on ENAC's institutional website or, alternatively, to the data published on the website of trade associations, relating to the commercial total amount.
4. Without prejudice to the provisions of Part IV, all the airports covered by a single Concession agreement for the award of the airport management or having the same managing body shall qualify as the airport with the highest traffic volume.

### Measure 6. Procedures for the review of airport charges

#### 6.1 Purpose

1. Pursuant to Article 76 (3) of Decree-law no 1/2012, each airport managing body shall carry out a regular consultation of airport users, on the functioning of the airport charges system, the amount thereof and the quality of the service provided. Such consultation shall be held at least once a year and the Authority shall be informed accordingly by certified email.
2. In accordance with Article 76 (2) of Decree-law no 1/2012, any proposal to modify the system or the amount of charges is subject to the obligation to consult airport users, and is therefore subject to the procedure set out in the measures of this Model A.

#### 6.2 Launch of consultation procedure

1. Without prejudice to the provisions of paragraph 4, the ordinary consultation procedure for the review of airport charges shall be initiated by the airport managing body in the last year of the regulatory

period, that is taken as Bridge year for the following regulatory period, and in any event no later than 4 months before the planned date of application of the new level of charges.

2. The consultation shall be carried out in accordance with the time-limits laid down in this Model A, in line with the procedures set out below.
3. The Authority shall ensure the compliance with the measures of this Model A and, where appropriate, take the necessary steps to restore the relationship that are to be maintained between managing body and users.
4. The consultation for the review of the airport charges system or of the amount thereof may also be launched during the existing regulatory period:
  - a) by the airport managing body;
  - b) by a qualified majority of airport users, i.e. carriers' representatives including at least 2/3 of the total WLU achieved in the last two IATA seasons for which data are available. In this case, the request to launch the consultation, which shall be properly substantiated and documented, shall be submitted, by certified email (hereinafter also CEM) to the airport managing body for the appropriate follow-up, and to the Authority.
5. The Authority may prescribe the launch of the consultation procedure for justified reasons including, in particular, the following cases:
  - a) failure to launch the consultation procedure by 31 December 2024, for those managing bodies whose existing airport charges were fixed without prior mandatory consultation of airport users, as provided for in Articles 76 (2) and (3) and 80 (1) (b) of Decree-law no 1/2012;
  - b) failure to launch the consultation procedure by the managing body, following a request by a qualified majority of airport users, as referred to under 4 (b).

### **6.3 Notification to the Authority of the proposal for the review of airport charges**

1. The airport managing body shall notify the Authority, by CEM, of its intention to submit to consultation a proposal for the review of airport charges, in accordance with the Form under 0, at least 30 days before the scheduled date for the launch of the user consultation procedure, that is indicated in the notice.
2. The notice, that is addressed to the Authority's certified email, shall be accompanied by a full copy of the documentation drawn up by the managing body in support of the proposal, in accordance with the provisions under 0.
3. The Authority will publish the notice on its website, thereby formalising the launch of the Procedure concerning the update of airport charges.
4. Any agreement that may be concluded between managing body and users concerning the review of airport charges shall be ineffective in the event of failure to notify the proposal.

## 6.4 Consultation on the proposal for the review of airport charges

### 6.4.1 Launch and communication

1. Upon publication of the notice on the Authority's website, the managing body, on the scheduled date, will launch the consultation procedure on the proposed review of airport charges with the users concerned, i.e. those that are already operating at the airport and those that, on the date of publication of the notice by the Authority, have already formalised aviation activities in the airport as of the first year of the regulatory period that is subjected to consultation.
2. The managing body shall give formal notice, by certified email, to the Authority, to the airport users or to representatives and/or associations of airport users concerning the following:
  - a) launch of the consultation on the proposal for the review of airport charges;
  - b) access procedures to the information folder to be submitted by the managing body in support of the proposal, as illustrated under 0 on the date of opening of the consultation, the information folder shall be accessible to users on a dedicated section of the managing body's website, with restricted access upon registration of each user, within 2 working days following the time of the registration;
  - c) procedures whereby the users may request clarifications in the period between the launch of the consultation and the public hearing referred to in paragraph 6.4.2;
  - d) scheduled date and start and end time of the first hearing of users;
  - e) reasons for the proposed review;
  - f) annual or multi-annual review of airport charges. The proposal for the review of charges may in any case cover a maximum of five years.
3. The documentation made available by the managing body is confidential and cannot be disclosed by airport users.
4. In order to optimise the conduct of the hearings referred to in paragraph 6.4.2, on the basis of the information folder published by the managing body and at least 5 days in advance of the date of the hearing, the users may submit, by CEM, to the managing body — and to the Authority for information — written comments and/or detailed queries on specific subjects.

### 6.4.2 Public hearings

1. The first public hearing of users shall be convened by the managing body at the same time as the launch of the consultation and cannot take place earlier than 30 days of the date of the release of the information folder to be submitted by the managing body in support of the proposal for review of the airport charges.
2. Users may participate in the hearings, with voting rights, either individually or as member of an association. The participation through an association shall be communicated to the managing body by CEM or in the mode agreed upon between the latter and the legal representatives, in accordance with

the terms of the notice referred to in paragraph 6.4.1. In order to ensure the widest possible participation in the hearing, users may participate by electronic connection.

3. In order to seek substantial agreement, the managing body may convene additional public hearings. The date of each additional hearing shall be set, communicated and minuted at the preceding hearing and communicated to the users concerned as referred to in paragraph Capitolo 1, according to the same procedures as for the first hearing.
4. Unless otherwise agreed between the parties, any additional hearing involving a revised airport charges proposal or the submission of new documents shall not take place earlier than 10 days from the previous hearing; this documentation, including any revised airport charges proposal, shall be therefore received by the parties concerned at least 5 days before the hearing.
5. In order to facilitate the conduct of the consultation and its supervision by the Authority, the hearings shall be organised for discussion of all issues, taken individually, so that users are encouraged to express, in a clear and analytical manner, any possible reasoned comments on each of them. Among the topics to be dealt with during the hearings, the managing body takes into account the comments received in application of the provisions under paragraph 6.4.1 (4).
6. The hearings shall be open to airport users and their associations and to other stakeholders with specific interests in the airport management; however, the right to vote shall be reserved only to persons with a written proxy by the legal representative of the airport user. The proxy shall be received by the airport managing body within the scheduled starting time of the hearing, unless otherwise agreed between the parties.
7. In order to ensure the widest possible participation, and with a view to considering the interests of all airport users, the managing body shall ensure adequate participation of general Aviation operators in the consultation.
8. With a view to reaching an agreement on the managing body's proposal, representativeness of each user shall be determined on the basis of the traffic volumes that were recorded in the last two IATA seasons prior to the consultation, by excluding from the calculation those users that, based on documentary evidence, appear to have concluded their airport operations for the IATA seasons following those mentioned; this shall be made as a percentage of the transported WLU. If a new and different entity has taken over a share of the slots of an entity that is no longer operating at the airport, the new entity is given the corresponding share of the WLUs of the entity that is no longer operating at the airport.
9. The necessary share of participants for the agreement to be considered valid shall exceed 15% of the WLU referred to under 8. Should this threshold not be reached, the managing body shall fulfil the requirements set out in 0, by representing the failure to reach the quorum to convene.
10. The necessary and sufficient share of consent to declare that substantial agreement has been reached shall exceed 50% of the WLU referred to under 8 that are represented at the hearing with the appropriate proxy for the exercise of the voting rights referred to in paragraph 6. If a single airport user

holds more than 50 % of WLU, the agreement is considered to be reached with a share equal to the most represented user, increased by 10% of the remaining users.

11. During the hearing, the managing body shall minute the positions expressed by the users and record and store any documents that may be presented by users in support of their positions. The minutes shall include the names of the participating users and their signatures, as well as the proxies exercised by the delegates in the name and on behalf of individual users.
12. The minutes of each public hearing shall be signed by all participants, if possible, by the end of the hearing, at the time notified in advance by the managing body. Should this be not possible, the signature shall take place within the following two working days, including electronically, by completing and sending the format under Errore. L'origine riferimento non è stata trovata. by CEM (together with an identity document and a copy of the minutes, that is signed by each participant on each page), after the managing body has sent, by CEM, a copy of the minutes (in non-editable format) to each participating user. Should a participating user not sign the minutes within this deadline, this will be considered an implicit approval of the position expressed at the hearing, as resulting from the minutes. In the event of disagreement on the minutes, the audio recording of the hearing, that shall always be carried out by the managing body, is authentic.
13. A user that has not taken part, or, having taken part, has not made any comments or voting against, may not apply for dispute settlement against the final proposal that was adopted by the managing body in accordance with the Procedure laid down in Model A.

#### **6.4.3 Suspension of the consultation Procedure**

1. Without prejudice to the need to ensure a timely completion of the Procedure, in special cases and for exceptional and substantiated needs, the airport managing body may address to the Authority a request for suspension of the procedure for a period not exceeding 60 days.
2. The Authority shall assess these cases, in compliance with the principles of cost-effectiveness and efficacy of the administrative action.
3. The Authority reserves the right to terminate the consultation procedure where, in the case of a suspension, the managing body does not provide to re-open the consultation within the time limit referred to under 1, or where, during the period of suspension, the managing body transmits to the Authority the certified Regulatory accounting referred to in Errore. L'origine riferimento non è stata trovata. relating to the Bridge year.

**Measure 7. Information provided by airport managing bodies and air carriers****7.1 Information provided by the airport managing body to users****7.1.1 Consultation document**

1. The airport managing body shall draw up the "*Consultation document*" (hereinafter: Document), including in English. The document illustrates the proposed review of airport charges and other regulated fees pursuant to this Act, as well as the issues of interest for users that are aimed at reaching an agreement on the proposed changes to the airport charges system or to the amount thereof.
2. The document shall include at least the following information:
  - a) length of the regulatory period, as defined in accordance with the Action plan and the quality and environmental protection plan technically approved by ENAC, and estimated date of its entry into force, taking into account the need to make public the charges and fees at least 2 months before their entry into force, in accordance with article 6.2 of the Directive;
  - b) explanation of the proposed review of the airport charges, its rationale and main impact on existing fees;
  - c) list of airport charges and fees in force on the date on which the consultation is launched with parallel text of the proposal for new charges and the percentage of variation, to be attached also in computer-editable format;
  - d) proposed dynamics of airport charges and fees for the regulatory period, with evidence in a separate table of the charges referred to in paragraph 27.6 (i) and (j), to be attached also in computer-editable format;
  - e) description of the application given to the methodology to calculate the airport charges as provided for in this Model, with evidence of the main parameters applied;
  - f) description of annual efficiency mechanisms and targets proposed for the regulatory period, and their impact on operating costs, in accordance with the provisions of paragraph 10.1.4 of this Model. For this purpose, the managing body shall request the Authority, at least 30 days before the launch of the user consultation is notified, to provide the annual value of potential productivity improvement  $\pi_t^*$ . This value shall be provided within 20 days of receipt of the request;
  - g) description of the proposed threshold for traffic risk sustainability, with specification of Y parameter (expressed in percentage points referred to the accrued service units compared to those estimated *ex ante*), for the purpose of the application of the traffic risk mitigation system under paragraph 10.10;
  - h) description of Z parameter (expressed in percentage points) for the purpose of the application of the profit sharing mechanism referred to under paragraph 10.1.5;
  - i) criteria and methods of cost allocation, for each regulated product and for all non-regulated, non-relevant products and products pertaining to incentive activities, relating to the measures included in the Plan referred to under paragraph 7.1.3;
  - j) description of any proposals for simplification and bundling of regulated products, that are made on the basis of the provisions of paragraph 11.2 of the Model, having regard to providing evidence of the fees in force at the time of the launch of the consultation, together with the fees as resulting before and after any proposed simplification or bundling;
  - k) description of any proposal for baskets of charges, that are made on the basis of the provisions of paragraph 11.3 of the Model, with evidence of: (i) reasons for the baskets; (ii) criteria for the charge

modulation of single products; (iii) unit charges arising from the application of the basket, as resulting before and after the charge modulation;

- I) description of any proposals for breakdown of charges, operated on the basis of the provisions of paragraph 11.1 of this Model, having regard to providing evidence of the criteria adopted for the breakdown and of the fees in force at the time of the launch of the consultation, together with the fees as resulting before and after any proposed breakdown changes;
- m) description of expected incremental charges in the regulatory period, under legislative and/or regulatory provisions;
- n) description of use of any notional items, in accordance with the measures referred to in paragraph 10.7.3, with reference also to any notional items that the managing body intends to transfer onto following regulatory periods and to the relevant percentage in relation to the operating costs allowed for the Base year, pursuant to paragraph 6 (a) thereof;
- o) description of commercial margin (CM) treatment referred to in paragraph 10.8.

3. The managing body shall make available to users, together with the Document, the following supporting documents:

- a) list of the services and infrastructure provided in the base year in return for the collected charges and fees, that are subject to regulation (cf. reference in **Errore. L'origine riferimento non è stata trovata.**);
- b) overview of the Regulatory accounting in the Base year, in computer-editable format, showing the overall structure of the allowed costs and revenues (i) of each individual regulated product - before the application of any proposals for bundling, basket and/or unbundling of services - as well as (ii) of non-regulated products, (iii) of non-relevant products and (iv) pertaining to incentive activities considered as a whole, with separation of eligible costs and revenues for general Aviation, in the case of services or infrastructures that are dedicated to general aviation, or differentiation of charges;
- c) explanatory report on the airport management for the 5 years preceding the Base year, with evidence of any changes in the activities, as well as the following data:
  - i. traffic development, based on a classification that is consistent with the parameters considered to determine the unit level of charges in the charge proposal;
  - ii. changes in (operating and capital) costs for regulated products;
  - iii. changes in the revenues pertaining to regulated products;
- d) explanatory report of the traffic development forecasts in the regulatory period, drawn up in accordance with the provisions of paragraph 7.1.2, together with an overview table of the service units provided for each year of the regulatory period and for each regulated product, to be attached also in computer-editable format;
- e) Action plan that the managing body intends to carry out in the years of the regulatory period, drawn up in accordance with the provisions of paragraph 7.1.3, with indication of: (i) nature of (public/private) funding sources, (ii) expected results of the most significant investment projects and of any technological innovations introduced by the Plan, having regard to their effects on airport capacity and the service standards provided to users; (iii) expected impact of traffic on the use of the main infrastructure and related sub-systems (e.g. stands, gates, loading bridges, security checks, etc.); (iv) with reference to the amounts for each operation, allocation to each

regulated product and to all non-regulated, non-relevant products and products pertaining to incentive activities, to be attached also in computer-editable format; (v) investments for which the managing body has applied for incremental remuneration in accordance with section **Errore. L'origine riferimento non è stata trovata.**;

- f) quality and environmental protection plan, drawn up in accordance with the provisions of paragraph 7.1.4, with details of the indicators identified and their target values, to be achieved in the regulatory period;
- g) report on airport system capacity, and on the levels of service (LoS) of main airport infrastructure and facilities, that are in place in the Base year and provided for the regulatory period. It is recommended that the relevant assessment is carried out in accordance with the methodology developed by IATA, in cooperation with Airports Council International (ACI), and published in the latest available edition of the "*Airport Development Reference Manual*";
- h) information referred to in Part VI, Measure 28 (4) pertaining to incentive activities;
- i) for regulatory periods following the first, end-of-period reporting as referred to in paragraph 10.1.5;
- j) for the purpose of assessing representativeness in the consultation, details of the relevant traffic units transported in the last two IATA seasons preceding the consultation, broken down by each airport user, in computer-editable format;
- k) the proposed *Service Level Agreement* referred to in Part VII.

4. For airports with passenger movements equal to or less than 5 million per year, the information referred to in paragraphs 2 and 3 shall be provided to users with reference to the total regulated services in accordance with this Model A.
5. Without prejudice to the provisions of the preceding paragraphs, the managing body shall submit the documentation referred to in paragraphs 1, 2 and 3, including in PDF/A format;
6. If, for organizational needs, the documents referred to in paragraphs 1, 2 and 3 are transmitted with handwritten signatures, the managing body shall transmit an unsigned copy thereof in computer-editable format.

### 7.1.2 Traffic forecasts

4. The managing body shall provide users with traffic forecasts for each year of the regulatory period, in addition to the preliminary data for the Bridge year, broken down by homogeneous traffic categories, in line with the parameters assumed for the purpose of determining the unit charges.
5. The above traffic forecasts should be drawn up:
  - a) in line with the traffic data considered for airport development planning;
  - b) taking into account the most updated developments expressed by the sectoral bodies of reference (Eurocontrol, IATA, ...);
  - c) taking into account the communications received by users pursuant to the provisions of paragraph 7.3.
6. In support of traffic forecasts, the managing body shall produce an explanatory report concerning:
  - a) statistical/forecasting sources used that are available in studies published by entities of reference for the sector;

- b) estimates made and models used for their development, where the statistical and forecasting sources referred to in (a) above cannot be used, with evidence of their robustness in terms of assumptions and replicability of outputs;
- c) reasons for any misalignments with respect to the developments referred to under paragraph 5 (b);
- d) exceptional and non-repetitive events, if any, that lead to discontinuity in the ordinary airport traffic development.

7. In the context of the annual consultation, the managing body shall present to the users, ENAC and the Authority any update of the traffic forecasts for the remaining years of the regulatory period, that are drafted according to the same principles referred to under the preceding paragraphs. The need for updates should be linked to existing significant discontinuities compared to the *ex-ante* situation.

8. With reference to paragraphs 2 and 3, as part of the activities referred to in paragraph 8.1.4, the Authority verifies the produced documentation, with particular reference to the reasons for misalignment as compared to the developments referred to in paragraph 2 (a) and to the methodology used to make the traffic forecasts submitted by the managing body.

#### 7.1.3 Action plan

- 1. For the purpose of the review of airport charges, with reference to the regulatory period and in line with the expected traffic development referred to under paragraph 7.1.2, the managing body shall submit to the airport users appropriate information covering all items of the *Action plan* (hereinafter: Plan) drafted in accordance with the agreements with ENAC, so as to allow the airport users, during the consultation, to express their views and counter-proposals, in accordance with Article 76 (4) of Decree-law no 1/2012.
- 2. The communication of the information included in the plan is also intended to allow the monitoring of infrastructure costs and upgrading of airport facilities, including in terms of cost effectiveness<sup>4</sup>.
- 3. The Plan is aimed at promoting, in the general interest and for the purpose of ensuring a proper use of resources, an optimal and efficient sizing of the airport capacity, and at facilitating access to infrastructure and promoting technological innovation, that are also intended to optimise service activities.
- 4. The information on the Plan – in compliance with the airport planning tools approved by ENAC, without prejudice to ENAC's competences concerning its content, shall ensure adequate transparency at least regarding the following:
  - a) description of each scheduled work and related costs, disaggregated for complex works, and of current and future capacity of the airport infrastructure with separate identification of extraordinary maintenance works.
  - b) time schedule of the works to be carried out in the regulatory period, indicating the timeline of the different stages of design, contract, construction, final acceptance and estimated date of entry into operation of the finished works;

<sup>4</sup> Recital (14) of Directive 2009/12/EC

- c) information on any operating or capital grants that is provided directly or indirectly by public entities for the actions included in the Plan;
- d) results expected from the proposed activities, with regard to their impact on the quality of services delivered to users and on environmental protection.

5. In providing evidence of the already achieved level of use of the infrastructure and of the impact of the planned activities on future airport capacity, the information concerning the Plan shall consider the traffic forecasts and their composition and development by type and route.

6. In order to ensure that the Plan submitted to consultation is as far as possible consistent with the users' expectations concerning the actions planned, including as regards the operational and service functionality of both planned or already operating infrastructures, the airport managing body shall promote regular discussions with the airport users and other operators carrying out air transport related activities, at least on an annual basis, by minuting their positions, as well as before the general planning for medium-term airport development is finalised.

7. In compliance with the existing legal framework and with the general principles of transparency and non-discrimination, the drafting of the Plan shall consider possible modifications and customisations that are requested and/or necessary for specified traffic sectors.

8. Costs borne by the airport managing body for the execution of activities included in the Plan, net of any financing granted by public entities, for the years of the regulatory period, for the execution of the works provided for in the Plan, shall be included in the charge according to the procedures laid down under Measure 10 of this Model.

9. The information on the Plan provides evidence, among the planned works, of those for which the managing body proposes incentives for their implementation or pre-financing.

#### **7.1.4 Quality and Environmental protection plan**

1. For the purpose of the consultation procedure, the managing body is required to submit the *quality and environmental protection Plan*, that is drawn up in accordance with the provisions of the agreements with ENAC, so as to allow airport users to express their views and counter-proposals during the consultation.
4. The Plan referred to under 1, in accordance with the criteria laid down by ENAC, including taking into account the Service charter and without prejudice to the Agency's responsibilities in respect of its content, shall ensure adequate transparency at least with regard to the following:
  - a) quality and environmental protection indicators, their associated weights and improvement targets proposed by the managing body for the regulatory period, which the latter commits to comply with;
  - b) qualitative and environmental factors that determined the choice of each target;
  - c) description of measures and resources to be employed to achieve the targets, also with reference to the planned annual deadlines;

indication of any investments in infrastructure, facilities and technologies, that are provided for in the action Plan, which are instrumental to the achievement of the quality and environmental protection targets set forth therein.

## **7.2 Information folder provided by the managing body to the Authority**

1. In order to allow the checks on the correct application of this Model, together with the transmission of the documents to the users, the managing body shall send to the Authority, in computer-editable format, the following data and information:
  - a) Regulatory accounting for the Base year, drawn up in accordance with the measures under Part V including all the worksheets provided for therein and any additional worksheets connected thereto, with active formulas and possible reconstruction and verification of calculation procedures;
  - b) accompanying report to the Regulatory accounting referred to under a) that, in addition to giving evidence of the reconciliation with the financial statements, provides an appropriate description of the key criteria for the construction of the Regulatory accounting, with the associated methods for cost allocation for regulated, non regulated, non-relevant products and products pertaining to incentive activities;
  - c) worksheets, produced on the basis of the format in Annex 2, relating to the construction and updated evaluation of the net invested capital (hereinafter: NIC) in the Base year, with active formulas allowing for reconstruction and verification of the calculation procedures referred to under (f), with separate evidence of the following:
    - list of assets used in the production process, operating in the Base year, with indication of the historical cost, net of government contributions, and their net book value;
    - time series of any deflator that may have been used for the revaluation of depreciable assets operating in the Base year, as provided for by paragraph 10.4 of this Model;
    - rates used for the depreciation of the different asset categories, as set out in the provisions of paragraph 10.3 of this Model, and updated evaluation of the relevant fund;
    - development, in the period of reference, of the NIC, as identified above, and of depreciation of tangible and intangible fixed assets;
    - work in progress (hereinafter: WIP) allowed in the Base year, including their book value and development over the period of reference;
    - balance of payables/liabilities in the Base year, with development over the period of reference;
    - percentages and criteria for NIC allocation to each airport, ancillary, incentive and non-relevant activity;
  - d) worksheets, produced on the basis of the format in Annex 2, relating to the estimated costs of the works as technically approved by ENAC (depreciation and return on invested capital), for the works that are expected to enter into operation in the regulatory period, and/or for the works that are in progress in the same period, together with summary tables of the costs to be taken into account for setting  $k$  charge component, as described under paragraph 10.7.1, allowing for reconstruction and verification of calculation procedures;

- e) worksheets, produced on the basis of the format in Annex 2, relating to the incremental costs arising from laws or regulatory provisions adopted in the regulatory period and summary tables for the calculation of  $v$  charge component, as described in paragraph 10.7.2, allowing for reconstruction and verification of calculation procedures referred to under (f);
- f) worksheets, produced on the basis of the format in Annex 2, with possibility of reconstruction and verification of calculation procedures, for each regulated product and for total regulated products, pertaining to the dynamics in the regulatory period of reference, compared to the Base year, in accordance with the provisions of paragraph 10.1 of this Model:
  - i. of operating costs;
  - ii. of capital costs;
  - iii. of  $x$ ,  $k$  and  $v$  charge components.
- g) Worksheets, produced on the basis of the format in Annex 2, for the calculation of sub-classifications of individual charges/fees compared to the average unit value, in accordance with the provisions of paragraph 11.1 of this Model, allowing for reconstruction and verification of calculation procedures;
- h) in case of application of baskets of charges, in accordance with the provisions under paragraph 11.3 of this Model, all the necessary information to enable the verification of the impact provided for therein, allowing for reconstruction and verification of calculation and simulation procedures;
  - i) any other item contributing to setting the regulated charges and fees (e.g. notional items, if proposed), allowing for reconstruction and verification of calculation procedures;
  - j) number of staff in the Base year, in terms of FTE (full-time equivalent), showing the number of permanent and fixed-term units, as well as adequate information on any extraordinary changes in the staffing plan provided for in the regulatory period;
  - k) economic and financial planning documents submitted to ENAC.

2. The Authority reserves the right to request additional information from the managing body, if this is deemed necessary for the exercise of its functions.
3. For airports with traffic below 5 million passengers per year, the information referred to in paragraph 1 shall be provided to the Authority with reference to the total regulated services in accordance with this Model A.
4. Annex 2 is a mere supporting tool to enable the Authority to carry out the verifications within its remit concerning the compliance with this regulatory Act.
5. Without prejudice to the provisions under each paragraph, the managing body shall submit the documentation referred to in paragraph 1 in PDF/A format as well.
6. If, for organisational needs, the documents referred to in paragraph 1 are transmitted with handwritten signatures, the managing body shall transmit an unsigned copy thereof in computer-editable format.

### **7.3 Information folder provided by the carrier**

1. In addition to the information already supplied during the meetings concerning IATA summer and winter seasonal scheduling, airport users are required to report to the airport managing body, at its

written request prior to the launch of the consultation procedure for the review of airport charges, appropriate information on:

- a) traffic forecasts in the regulatory period;
- b) forecasts on composition and intended use of air fleet;
- c) planning of its airport activity in the regulatory period, in terms of needs and development;
- d) reporting of any shortcomings related to capacity, functionality and existing airport facilities, which are considered to significantly affect the overall airport functionality, the operational security and the standards of services provided to passengers, luggage, aircraft and freight;
- e) any proposals for differentiation/sub-classification of regulated charges.

2. Information provided according to this paragraph shall be treated pursuant to the existing legislation on commercial and industrial confidentiality.

## Measure 8. Outcome of the consultation

### 8.1 Conclusion of the consultation procedure and follow-up

#### 8.1.1 Conclusion of the consultation procedure

1. With regard to the commitments proposed by the managing body in the *Consultation Document* and its annexes, through the Procedure, the managing body and the users seek an agreement on the review of the airport charges and, taking into account ENAC's competences, on the associated levels of quality and environmental protection. The managing body may also seek an agreement with the users on the postponement of the date of entry into force of the new airport charges.
2. In accordance with Article 78 (3) of Decree-law no 1/2012, in the same Procedure, the managing body and the airport users seek to conclude a *Service Level Agreement* that, on the basis of the proposal referred to in paragraph 7.1.1 (3) (k), in line with the principles set out in Part VII, identifies the level of service to be provided by the airport managing body in return for the collected charges, pursuant to article 78 of Decree-law no 1/2012..
3. No later than 80 days from the launch of the Procedure, as laid down in Article 1 (11-a) of Decree-law no 133 of 12 September 2014, converted into Law no 164 of 11 November 2014, as amended, taking into account the positions expressed by the users on individual issues, as discussed and minuted, the managing body shall draw up the final proposal on the level of airport charges and related commitments — with evidence in a separate table of the charges referred to in paragraph 27.6 (i) and (j) — and publish it on its website, declaring that the Procedure is officially closed and simultaneously notifying thereof:
  - a) the airport users;
  - b) the Italian associations of carriers and airport managing bodies, for information.
4. At the same time, through the Form under Errore. L'origine riferimento non è stata trovata., the managing body shall submit to the Authority the final proposal, together with:

- a) full copy of the minutes of the hearings and annexes thereto;
- b) full copy of the additional documentation produced by the managing body and users during the Procedure;
- c) any update in computer format of the information under paragraph 7.2, compared to that initially submitted.

5. Where no consensus threshold is achieved in the consultation procedure to state that an agreement was reached, the managing body shall attach to the above final proposal a report explaining the grounds for the proposal and stating the reasons why the views expressed by the users could not be accepted.

#### **8.1.2 In case of agreement**

1. In case of agreement between the airport managing body and airport users on the proposed review of charges, together with the communications under paragraph 8.1.1., the managing body shall provide for the transmission by CEM of the new level of airport charges, and of the relevant date of entry into force, to the parties that are in charge of updating IATA ticketing systems at Italian travel agencies, without prejudice to the provisions of Article 6 (2) of Directive 2009/12/EC.

#### **8.1.3 In case of non-agreement or failure to reach the quorum to convene**

1. In case of non-agreement between the airport managing body and airport users on the proposed review of charges, or in case of failure to reach the quorum to convene referred to under paragraph 9 of paragraph 6.4.2:
  - a) the users participating in the consultation may apply to the Authority for dispute settlement, in accordance with the deadlines and procedures laid down in Measure 9;
  - b) in order to provide for transmission by certified e-mail of the new level of airport charges and of the relevant date of entry into force to the parties that are in charge of updating IATA ticketing systems at Italian travel agencies — without prejudice to the provisions of Article 6.2 of Directive 2009/12/EC — the managing body shall wait:
    - i. 20 days of the date of publication of the final proposal on the managing body's website, where no requests for dispute resolution have been addressed to the Authority (and, for information, to the managing body);
    - ii. 30 days of the date of publication of the final proposal on the managing body's website, where, within 20 days of that date, the Authority (and the managing body for information) have received requests for dispute resolution, but within the following 10 days the Authority has declared they are not receivable.

#### **8.1.4 Verification by the Authority**

1. Within 40 days of receipt of the final proposal referred to in paragraph 8.1.1 (4), the Authority shall:
  - i. initiate the verification procedure on the correct application of the measures referred to in this Model, by determining that the new charging system does not prevent the optimal use of the infrastructure and of its capacity, allows for adequate protection of passengers' rights and is not discriminatory or restrictive of competition;
  - ii. publish on its website and inform the managing body of the outcome of the above verification.

2. The positive outcome of the verification referred to under 1 may be subjected to the application of duly justified remedial measures by the managing body, imposed by the Authority in the general interest.
3. With respect to the potential impact of the airport charges system, the Authority considers that the imposition of the remedies referred to under the preceding paragraph may be associated with an obligation to re-open the consultation between the managing body and the users, in order to verify the agreement on the later amended charge proposal.
4. Upon implementation of the remedial measures which may be imposed by the Authority, the managing body, within the deadline set by the Authority, shall draw up and submit an amended charge proposal, that is accompanied, if appropriate, by documentary evidence proving that the consultation referred to under the preceding paragraph has been re-opened.
5. Following the receipt of the amended charge proposal referred to under the previous paragraph, the Authority shall verify the application of the remedial measures and publish the results on its website.
6. Where the application of such remedies would affect the level of charges provided for the regulatory period, the managing body shall make the necessary changes and any ensuing (positive or negative) adjustments in the manner laid down by the Authority, or referred by the Authority to the parties' decision.

## **8.2 Annual user consultation and monitoring of quality, environmental protection and investments**

### **8.2.1 Annual Information Document**

1. Unless otherwise agreed in the consultation, the managing body shall annually provide the airport users and their associations with appropriate information on the elements that have contributed to setting the dynamics of airport charges and fees for the current regulatory period.
2. From the first year of the regulatory period, the managing body shall publish on its website and transmit by CEM to the Authority and to users, at the latest 150 days before the scheduled date of entry into force of the charges and fees for the following year, the *Annual Information Document*, containing the following information:
  - a) any update of the time schedule of the investments that are included in the charge, as technically verified by ENAC, in respect of the remaining years of the regulatory period as from the current year;
  - b) any urgent and immediate works which, while not included in the charge yet, but being technically approved by ENAC, shall be carried out in the remaining years of the regulatory period as from the current year;
  - c) state of progress of the investments provided for in the Action plan (with separate evidence of the investments entered into operation and of the works in progress, all being differentiated into amounts relating to airport, ancillary, incentive and non-relevant activities) and of the related time schedule, with details of:

- i. what was accounted and technically verified by ENAC in each year starting from the Bridge year and until the year before the current year;
  - ii. what was forecast by the managing body for the current year, based on final data referred to at least 6 months;
  - iii. any update, on the basis of (a) and (b), of what is provided for *ex ante* for the remaining years of the regulatory period starting from the current year.
- d) update of annual incremental level of operating costs, with reference to (i) assets entered into operation in the year before the current year, (ii) entry into force in the same year of new laws and regulations planned *ex ante*, or other that were not planned *ex ante*;
- e) update or confirmation of  $k, v$  annual charge components compared to the values defined in the forecast for the regulatory period;
- f) level of quality and environmental protection indicators laid down in the year before the current year and assessed by ENAC, compared to the target values included in the *Quality and environmental protection plan* approved by ENAC for the same year;
- g) pre-final WLU and service units in line with the parameters used to determine the unit level of charges;
- h) final WLU and service units of the previous year, in line with the parameters used to determine the unit level of charges;
- i) deviation of the value that was estimated by the managing body in the previous *Annual information document* and the final value, with reference to the year preceding the current year, in respect of:
  - i. state of progress of the investments included in the charge (as technically verified by ENAC);
  - ii. operating costs relating to the assets entered into operation;
  - iii. operating costs relating to the entry into force of new laws and regulations planned *ex ante*, or other that were not planned *ex ante*;
- j) updated values of operating costs referred to in paragraph 10.1.2 (3) due to inflation update;
- k) level of charges calculated for the following year;
- l) description of the treatment of the commercial margin (CM) referred to in paragraph 10.8;
- m) date on which the annual hearing of airport users is convened.

3. For airports with traffic over 5 million passengers per year, the information under paragraph 1, except for information under k), are supplied with reference to the total regulated services in accordance with this Model A.
4. The information referred to in paragraph 2 shall be made available to the Authority, with the same timing, on the basis of the Form under Annex 2.
5. Annex 2 is a mere supporting tool to enable the Authority to carry out the verifications within its remit with reference to the compliance with this regulatory Act.
6. Without prejudice to the provisions under each paragraph, the managing body shall submit the documentation referred to in paragraph 1 in PDF/A format as well.

7. If, for 29 organizational needs, the documents referred to in paragraph 1 are transmitted with handwritten signatures, the managing body shall transmit an unsigned copy thereof in computer-editable format.
8. For the last year of the regulatory period, the *Annual information document* shall be transmitted within the deadlines specified in paragraph 6.2.

#### **8.2.2 Annual hearing of airport users**

1. The managing body shall convene a public hearing of airport users and their associations to be held not earlier than 40 days following the date of publication of the *Annual Information Document*, and usually between the 10<sup>th</sup> of September and the 30<sup>th</sup> of October.
2. During the hearing, the managing body shall inform users of the outcome of the verifications carried out by ENAC, that confirmed or amended the  $k$ ,  $v$  and  $\varepsilon$  parameters already identified in the *Annual Information Document*.
3. If the results of the verifications by ENAC are not received at least 15 days before the annual hearing, the provisions of paragraph 1.1. (10) shall apply.
4. The managing body shall draw up the minutes of the hearing referred to under 1, which shall also include its assessments of any written comments that may be presented by the airport users within 5 days prior to the scheduled date of the meeting.
5. At the end of the hearing, and, in any case, by the 30<sup>th</sup> of October of each year, the managing body shall publish on its website the level of applicable charges for the new year, with notification, by CEM, to the parties that are in charge of updating IATA ticketing systems at Italian ticket agencies, without prejudice to the provisions of Article 6 (2) of Directive 2009/12/EC.
6. The managing body shall also send the minutes of the hearing to the Authority, as well as to the users or associations that participated in the hearing or provided written comments on the *Annual Information Document*, the minutes of the hearing, the outcome of ENAC verifications on  $k$ ,  $v$ ,  $\varepsilon$  charge components, highlighting any amendments made to the previously published tariff levels.

### **Measure 9. Supervisory activities**

#### **9.1 General principles**

1. In accordance with Article 71 of Decree-law no 1/2012, the Authority shall exercise the supervisory functions referred to in Directive 2009/12/EC, including the dispute resolution procedures referred to in Article 11 (6) and (7).
2. In particular, pursuant to Article 80 of Decree-law no 1/2012, the Authority verifies that, in setting the level of airport charges imposed on airport users for the use of infrastructure and services provided at the airports by the managing body on an exclusive basis, the following principles are applied:
  - a) cost-orientation, transparency, relevance, reasonableness;
  - b) consultation of airport users;

- c) non-discrimination;
- d) orientation, in accordance with the principles referred to under a), towards the EU average airport charges that are applied in other airports with similar characteristics in terms of infrastructure, traffic and standards of service provided.

3. The Authority further carries out the supervisory tasks conferred onto it by Article 37 (2) of Decree-law 201/2011, converted, with amendments into Law no 214/2011, as amended by Article 36 of Decree-law no 1/2012 converted into Law no 27/2012.

4. In the exercise of its supervisory tasks, the Authority:

- a) applies the provisions of Article 80 (2), (3), (4), (5), (6) of Decree-law no 1/2012;
- b) orders the cessation of any conduct that is contrary to the regulatory models adopted;
- c) requests to provide information and documents that are necessary for the performance of its tasks;
- d) assesses, in accordance with the procedures and time limits laid down in Articles 6 and 11 of Directive 2009/12/EC, complaints, requests and reports submitted by airport users concerning the compliance with the charging system by airport managing bodies, including in relation to disputes that may arise within the framework of the regular consultations between managing bodies and users;
- e) adopt sanctioning proceedings, as provided for in Article 37 (3) (i) of Decree-law no 201/2011.

5. Pursuant to Article 7 (3) of Decree-law no 1/2012, if the number of users wishing to access customised services of the airport, or a terminal or part of a specialised terminal, exceeds the number of users that can be accommodated due to the airport capacity constraints, the managing body shall submit to the Authority for ensuing verification the access criteria, which must be relevant, objective, transparent and non-discriminatory.

## **9.2 Consultation between airport managing body and airport users**

1. The Authority identifies the direct consultation between the airport managing body and the airport users, as well as the hearings of managing bodies and users convened by the Authority, as key tools for appropriately setting the airport charges system and improving the level of service rendered, in line with the airport development planning. In this context, the Authority shall:
  - a) promote the regular consultation between managing bodies and users, by ensuring this is carried out at least once a year, as well as at the time of the review of airport charges;
  - b) requires the initiation of the consultation procedure, where the managing body fails to meet the deadlines laid down in Model A, or when it does not follow up on additional requests advanced by airport users for other unexpected needs, as compared to the ordinary cases covered in Model A.
2. The supervision may be exercised by the Authority also through direct participation in the consultation or by promoting discussion on specific issues.
3. In particular, the Authority shall verify that the principles and criteria set out in this Model A are correctly applied by the managing bodies, with regard to:
  - a) drafting of Analytical accounting reports and certification thereof;

- b) calculation of the initial level of airport charges and other regulated charges, and their dynamics over the regulatory period;
  - c) procedures and timing of regular and annual consultation with users.
4. The consultation procedure may be cancelled by the Authority, where the exercise of its supervision identifies:
  - a) significant infringements of the Procedure laid down in this Model A;
  - b) serious untruthfulness of the information provided to users and/or by users against evidence of existing documents or information, in particular with respect to the accounting report presented by the managing body and referred to the Base year of the regulatory period.
5. The Authority shall ensure that the agreement reached between the managing body and the users as a result of the consultation, both as regards the level of charges and the conditions of access to airport infrastructure and services, is complied with by the parties during the regulatory period. This supervision is carried out also through the annual monitoring activities that are provided for and regulated in this regulatory Act.
6. The Authority shall also ensure that the guidelines and conditions imposed by the Authority's decision following the dispute resolution procedure referred to in paragraph 9.3, as well as the remedial measures provided for in paragraph 8.1.4 (1), are timely implemented over the regulatory period.

### **9.3 Dispute settlement in case of non-agreement on airport charges**

#### **9.3.1 Application for dispute settlement**

1. In the event of failure to reach an agreement on the proposed review of airport charges referred to in paragraph 8.1.3 or failure to reach the quorum to convene under paragraph 6.4.2 (9), users may address the Authority, within 20 days of publication of the final proposal on the managing body's website, as referred to in paragraph 8.1.1 (3), by filing, by CEM, a reasoned and documented application for dispute settlement, that is addressed also to the counterparties for information, in accordance with the Form in 0.
2. In case of presentation of the application referred to in paragraph 1, the system or level of charges which is covered by the final proposal shall not be effective until the Authority has delivered its final decision; where the final decision by the Authority is formalised after the date laid down for the application of the new charges, pending such decision, the charges payable to the managing body shall remain those in force during the consultation.
3. In order to be receivable, the application shall:
  - a) include the information and documents requested in the Form under 0;
  - b) be submitted by a party that has participated in the consultation and that, during the consultation, has expressed its views and had them minuted on the proposal submitted by the airport managing body;
  - c) contain the specific reasons for its disagreement on the proposal, for which an action by the Authority is requested.
4. Within 10 days of receipt, the Authority shall provide for dismissal of the applications that are not receivable pursuant to the preceding paragraphs, as well as of those that are clearly unfounded as they

do not meet the factual and legal requirements, or are openly instrumental to the postponement of the entry into force of the system or level of airport charges. Any dismissal shall be communicated to the managing body and to the applicants.

#### **9.3.2 Initiation of dispute resolution procedure**

1. The Authority shall verify that the application is receivable and, within 10 days of its receipt, it shall inform the parties by CEM of the initiation of the dispute resolution procedure, which will consequently take up the verification referred to in paragraph 8.1.4.
2. The notice shall include the following:
  - a) date on which the application was submitted;
  - b) subject of the procedure;
  - c) office where to access the documents;
  - d) person in charge of the procedure;
  - e) deadlines by which the interested parties may produce memorandums and documents;
  - f) closing date of the procedure in accordance with Article 11 (7) of Directive 2009/12/EC.
3. Together with the notice referred to above, the Authority shall send to the party concerned a copy of the application that has been lodged, including its annexes that are not yet available to the party.
4. If it is deemed necessary, the Authority may:
  - a) request the parties to supplement the information by providing written reports on specific issues or additional documents, with an explicit warning of the penalties that may be imposed in case of non-reaction or untrue communications;
  - b) convene a hearing with the parties, in order to obtain their positions or other useful information for the preliminary examination of the procedure.

#### **9.3.3 Access to documents**

1. The documents that are lodged or acquired during the procedure shall, as a rule, be accessible to the parties to the procedure.
2. By filing an application setting out the confidentiality reasons for the protection of its legal position, the party concerned shall request, at the time of its filing or, for documents acquired *ex officio*, within 5 days of the notice of the relevant preliminary inquiry, that certain documents, in full or in part, be excluded from access.
3. By a substantiated decision, the Authority shall balance the transparency and confidentiality requirements in accordance with the exercise of the right of defence.

#### **9.3.4 Preliminary decision**

1. Within 4 weeks of the date of receipt of the application, the Authority adopts a preliminary decision on the entry into force of the airport charges, unless a final decision is made on the dispute within the same deadline.

2. Pending the adoption of the preliminary decision by the Authority, and in any case until the date set for the entry into force of the new charges, the charges payable to the managing body shall be those in force during the consultation.

#### **9.3.5 Decision on the dispute**

1. The dispute resolution procedure shall be settled by the decision of the Authority within 4 months of the date of receipt of the application. For justified grounds related to the preliminary inquiries, the deadline may be extended by 2 months.
2. The Authority's decision shall:
  - a) state the relevant reasons;
  - b) pursue the objectives set out in Article 80 of Decree-law no 1/2012 and Article 37 of Decree-law 201/2011;
  - c) be oriented towards restoring the compliance of the level or system of airport charges with the principles and criteria underlying this regulatory Act and/or removing access conditions that the Authority considers as restricting or hindering competition or discriminating against users;
  - d) include the outcome of the verification under paragraph 8.1.4.
3. The decisions adopted by the Authority and the grounds thereof shall be notified to the parties concerned and published on the Authority's website.
4. The dispute resolution measure may be appealed before administrative courts.

#### **9.3.6 Obligations of the managing body**

1. On the date of entry into force set by the Authority, the managing body shall update the level or system of airport charges, taking into account the decision referred to in paragraph 9.3.5.
2. The managing body shall publish on its website the new level of charges, that is set in accordance with the Authority's decision, and shall ensure the implementation of any necessary actions for the provision of information to the Authority, as well as for the transmission of the new level of airport charges and of the relevant date of entry into force, by CEM, to the parties that are in charge of updating IATA ticketing systems at Italian travel agencies, without prejudice to the provisions of Article 6 (2) of Directive 2009/12/EC.
3. The determination of the new level of charges shall take into account any (positive or negative) balance which, from the date of entry into force referred to under 1 above and in respect of the remaining part of the regulatory period, shall be recovered or repaid by the managing body to align revenues to allowed costs.
4. The above balance shall be determined by the difference between:
  - a) the revenues already accrued, as resulting from the application of the preliminary level of charges to actual traffic in the period between: (i) the date identified by the managing body for the entry into force of the new level of charges following the initial user consultation, and (ii) the date referred to in paragraph 1;
  - b) the revenues actually payable, as resulting from the application, to the same traffic and in the same period, of the level of charges resulting from the Authority's decision under paragraph 9.3.5.

5. The above balance is increased by an interest rate that is consistent with the rate that is determined by the Authority for the return on debt capital for regulated products, against the late receipt of the amounts receivable and not yet received (by the airport managing body) or against the holding time of the amounts received and not receivable (by the airport users).
6. At the first annual hearing carried out in accordance with paragraph 8.2, and in the context of the *Annual Information Document*, the managing body shall provide airport users with comprehensive and documented information on the arrangements for recovery or refund of the balance as defined above.

## Measure 10. Methodology of charge calculation in the regulatory period

### 10.1 Dynamics of charges

1. The dynamics of charges is carried out by the managing body starting from the costs allowed in the Base year (OpEx and CapEx). Should the Base year not be representative of ordinary airport operations, for the purpose of the dynamics of operating costs and of the determination of  $k$  and  $v$  charge components:
  - (a) in the event of a declaration of a state of emergency by the competent authorities, the managing body shall take as a reference for the Base year the year preceding that characterized by the state of emergency;
  - (b) in case of exceptional events, such as to make the Base year not representative of normal operating conditions of the airport infrastructure, the managing body, based on documented and accurate justification, shall make such adjustments to the regulatory Accounting as are deemed necessary and certified by auditing firms. In this case, it is up to the Authority to assess such adjustments and impose the necessary remedies pursuant to paragraph 8.4.1, including, in the alternative, the use as Base year of the year preceding the unrepresentative year.
2. In the case of the adoption of a Base year preceding a year characterized by a state of emergency or not representative, as referred to in paragraph 1 above, multiple bridge years shall be considered for the purpose of the construction of the charge.
3. For airports with traffic below 5 million annual passengers, the dynamics of charges shall be defined with reference to the total services regulated under this Model A.

#### 10.1.1 General approach

1. Having identified the costs allowed in the base year (OpEx and CapEx), for each regulated product and for all non-regulated, non-relevant products and products pertaining to incentive activities, in the base year, their development in the regulatory period is determined:
  - a) as regards OpEx, from the carry-over, in the regulatory period, of the allowed base-year costs, updated in the Bridge year, for each regulated product, in relation to (i) planned inflation, (ii) changes in traffic volumes, (iii) cost elasticity coefficient in response to traffic variation, (iv) efficiency target, any of them calculated *ex ante* for each product, in accordance with the criteria set out in the following paragraphs;

b) with regard to CapEx:

- i. annual costs for depreciation allowances, as defined *ex ante* in connection with the evolution, in the regulatory period, of the fixed assets allowed in the base year with respect to their depreciation period, in accordance with the criteria set out in the following paragraphs;
- ii. annual return determined with the application of the relevant rate (hereinafter WACC) on the residual net invested capital, as resulting at the end of the immediately preceding year, in accordance with the criteria set out in the following paragraphs;

c) cost discontinuities accruing in the regulatory period for each product, that cannot be directly and immediately related to traffic growth, and, estimated in the base year, are attributed to the products regulated in the period, in accordance with the criteria set out in the following paragraphs.

2. Having defined the base-year unit charge of each  $j$ -th product (equal to the ratio between the total allowed costs and the relevant units of service), as well as the development of allowed operating and capital costs over the period, the charge dynamics in the regulatory period is determined, for a maximum of five years, by applying the following formula:

$$c_{t,j} \leq (x_{t,j} + k_{t,j} + v_{t,j}) \cdot (1 + \varepsilon_t) - MC_{t,j} + PF_{t,j} + B_{t,j}$$

where:

$t$  year for which the charge is calculated;

$c_{t,j}$  unit charge due per traffic unit for  $j$  service in year  $t$ ;

$x_{t,j}$  charge component, per unit of service of product  $j$ , defined for each year  $t$  as the ratio between:

- level in year  $t$  of operating and capital costs, referred to in 1 (a) and (b), resulting from the development of the costs allowed in the Base year;
- planned traffic volumes for the same year  $t$ ;

$k_{t,j}$  charge component, per unit of service of product  $j$ , defined for each year  $t$  as the ratio between:

- level in year  $t$  of incremental operating and capital costs with respect to the Base year, as referred to in paragraph 10.7.1, relating to new investments provided for in the Action plan and planned in the previous years of the regulatory period and in the Bridge year;
- planned traffic volumes for the same year  $t$ ;

$v_{t,j}$  charge component, per unit of service of product  $j$ , defined for each year  $t$ , as the ratio between:

- level in year  $t$  of incremental operating costs with respect to the Base year, as referred to in paragraph 10.7.2, relating to the entry into force of new laws and regulations, planned in the previous years of the regulatory period and in the Bridge year;
- planned traffic volumes for the same year  $t$ ;

$\varepsilon_t$  percentage parameter which, in the annual monitoring referred to in paragraph 10.9, takes into account the achievement or non-achievement of the quality and environmental protection objectives, as set out for each year  $t$  of the period; in the *ex ante* charge formula, this parameter takes a value of 0;

$MC_{t,j}$  charge component, per unit of service of product  $j$ , defined for each year  $t$  of the regulatory period on the basis of the deduction, if any, of the commercial margin (CM) referred to in paragraph 10.8 from the charges;

$PF_{t,j}$  charge component, per unit of service of product  $j$ , defined for each year  $t$  of the regulatory period on the basis of the introduction, if any, of notional items, as referred to in paragraph 10.7.3;

$B_{t,j}$  charge component, per unit of service of product  $j$ , defined for each year  $t$  of the regulatory period on the basis of the introduction of baskets of charges, if any, as referred to in paragraph 11.3.

#### 10.1.2 Dynamics of base-year allowed operating costs over the regulatory period

1. In accordance with the principles and criteria set out in this Model, the airport managing body shall calculate *ex ante*, for each year of the regulatory period, the operating cost variation for each regulated product, which is defined, on the basis of the base-year allowed costs, updated to the bridge year for inflation and elasticity in response to traffic variation<sup>5</sup>, on account of:
  - a) expected traffic variation ( $\Delta T_{t+1}$ ), in terms of WLU, between the year in question and the preceding year;
  - b) elasticity ( $\eta$ ) of operating costs in response to traffic variation (WLU);
  - c) coefficient of productivity improvement ( $\pi_{t+1}$ ) obtained following the consultation for the specified year of the regulatory period (see also paragraph 10.1.4);
  - d) planned inflation rate ( $P_{t+1}$ ) resulting — for the years of the regulatory period — from the latest available Economic and Financial Document (hereinafter EFD). If available data do not cover the entire regulatory period, the airport managing body may refer to the figure of the latest available year, to be used as an estimate for the remaining years of the period.

The system to update the cost dynamics will therefore be as follows:

$$C_{t+1,j} = C_{t,j} \cdot (1 + \Delta T_{t+1} \cdot \eta) \cdot (1 + P_{t+1} - \pi_{t+1})$$

Where  $C_{t+1,j}$  and  $C_{t,j}$  are the levels of operating costs allowed for service  $j$ , for year  $t+1$  and for year  $t$ , respectively.

The above system does not apply for the update to the bridge year the operating costs certified at the base year, for which the airport managing body shall — as indicated above — apply the inflation rate that is planned for that year as reported in the latest available Economic and Financial Document, as well as the elasticity of the operating cost in response to traffic variation (WLU).

2. In case of adoption of the Base year preceding the year characterised by a state of emergency or non-representative, as referred to in paragraphs 10.1 (1) (a) and 10.1 (1) (b), the dynamic over the period

<sup>5</sup> The update to the Bridge Year ( $C_{AP}$ ) of the base-year allowed operating costs ( $C_{AB}$ ), shall be calculated as follows:

$$C_{AP} = C_{AB} * (1 + P_{AP}) * (1 + \Delta T_{AP} * \eta)$$

where

- $P_{AP}$  planned inflation rate for the Bridge year as resulting from the latest available Economic and Financial Document (DEF);
- $\Delta T_{AP}$  estimated traffic variation between Base year and Bridge year.

of the operating costs allowed in year  $AB+n$  for each regulated product  $j$  shall be defined on the basis of the costs allowed in Base year  $AB$ , developed over the regulatory period by reference to the traffic cumulative variation compared to the Base year and the annual inflation and efficiency improvement variations compared to the Base year according to the following formula:

$$C_{AB+n,j} = C_{AB,j} \cdot (1 + \Delta T_{AB+n} \cdot \eta) \cdot \prod_{t=AB+1}^{AB+n} (1 + P_t - \pi_t)$$

where:

$C_{AB+n,j}$  operating costs allowed in year  $AB+n$  for service  $j$ ;

$C_{AB,j}$  operating costs allowed in Base year for service  $j$ ;

$\Delta T_{AB+n}$  traffic percentage variation in year  $AB+n$  as compared to the Base year:

$$\Delta T_{AB+n} = \frac{T_{AB+n}}{\Delta T_{AB}} - 1$$

$P_t$  planned inflation rate for year  $t$  resulting from the latest available Economic and Financial Document;

$\pi_t$  annual coefficient of productivity improvement for year  $t$ , which equals 0 for the Bridge years.

3. During the annual monitoring referred to in paragraph 10.9, the planned inflation rate is updated annually on the basis of the latest available Economic and Financial Document.
4. The annual variations in the airport concession fee and security concession fee are defined, for each year of the regulatory period, on the basis of the calculation methods laid down by the interdepartmental decree of 30 June 2003 as amended, and by the Decree of the Ministry of Transport of 13 July 2005, respectively. The airport managing body shall, however, replace in the calculation the final traffic volumes (WLU) referred to in the above decrees, with the traffic volumes (WLU) provided for by the Economic and Financial Document for each year of the regulatory period.
5. The regulated charges defined under this Model include in the allowed costs 100% of the airport concession fee, instead of the reduced fee pursuant to article 11 *decies* of Law No 248/2005.

#### 10.1.3 Elasticity ( $\eta$ ) of operating costs in response to traffic variation (WLU)

1. The Authority establishes the value, constant over the regulatory period, of the elasticity coefficient of operating costs in response to traffic variation (expressed in WLU) in accordance with the methodology set out in Annex 1.
2. As a result of the application of the above methodology, the elasticity coefficient is 0.3.
3. Where, based on analytical and documented reasons, a negative traffic trend is under way or foreseeable for the base year and/or for specified years of the regulatory period, at the level of the airport system or of a single airport, for which a solution can be found in the short-term period, the ex ante planned elasticity for those years will be set at zero, on account of the temporary rigidity of the contractual operating costs. It follows that for those years, the allowed operating costs will be those of the previous year, updated by applying the planned inflation and efficiency improvement

coefficient. The negative trend is considered to be solved in the short term when it relates to events whose effects are exhausted in less than 12 months, that may be even referred to 2 consecutive calendar years. In the first year of traffic recovery, the elasticity coefficient will be applied to the variation of the WLUs with respect to the year preceding the above negative trend.

#### **10.1.4 Targeted productivity improvement from efficiency**

1. The annual coefficient of productivity improvement ( $\pi_t$ ) is the annual value of the managing body's potential productivity improvement, related to each year of the regulatory period, as resulting from the consultation procedure.
2. This value ( $\pi_t$ ) lies within the following interval:

$$(0,3 * \pi_t^*) \leq \pi_t \leq (\pi_t^*)$$

where  $\pi_t^*$  is the annual value of potential productivity improvement calculated for each managing body according to the methodology in Annex 1.

3. In the case where  $0,3 * \pi_t^*$  is greater than  $\pi_{0,1,t}^*$  (annual value of potential productivity improvement referred to the 10<sup>th</sup> percentile), the lower limit of the formula shall be assumed equal to  $\pi_{0,1,t}^*$ .
4. In the case where  $\pi_t^*$  is greater than  $\pi_{0,9,t}^*$ , (annual value of potential productivity improvement referred to the 90<sup>th</sup> percentile), the upper limit of the formula shall be assumed equal to  $\pi_{0,9,t}^*$ .
5. The annual value of potential productivity improvement  $\pi_t^*$  is made available at the request of the individual managing body and according to the modalities and timeframe set forth in paragraph 7.1.1 (2) (f), in order to be used by the managing body in the development of the proposal for airport charges review to be submitted to users at the time of the launch of the relevant consultation.
6. With exclusive reference to airports that did not record traffic exceeding one million passengers per year in each of the 5 years preceding the Bridge year, the provisions under paragraphs 2 and 5 shall not apply, and parameter  $\pi_t$  is defined by the airport managing body as a result of the consultation with airport users. The above parameter  $\pi_t$  shall be greater than zero.
7. For the purpose of applying the provisions of paragraph 6, the traffic volume achieved in the years affected by declarations of a state of emergency by the competent Authorities shall not be taken into consideration.

#### **10.1.5 Profit sharing**

1. Starting from the second regulatory period, the airport managing body will prepare the proposal for review of airport charges so that the operating costs of the new Base year (i.e. the penultimate year of the regulatory period being concluded) can be increased, up to a maximum of 2% agreed in the consultation concerning the previous regulatory period, to consider, in proportional share, any productivity surplus achieved by the airport managing body with respect to the objectives that had been set *ex ante* for the previous regulatory period.
2. This productivity surplus is determined by the difference between:

- a) estimated *ex ante* operating costs for the penultimate year of the regulatory period being concluded, which may be re-determined during the same regulatory period to consider traffic variations as compared to estimates, under equal elasticity, and
- b) final operating costs for the same year referred to above, as resulting from the analytical Accounting for regulated products.

3. The productivity surplus as calculated above shall be accounted for — up to a maximum of 2% as agreed in the consultation — separately from the costs arising from the base-year analytical Account of the new regulatory period, as it is not eligible, in the new regulatory period, to the  $(\Delta T_{t+1} \cdot \eta)$  variation referred to in paragraph 10.1.2.

4. In the end-of-period reporting document, presented in the context of the new consultation in the Bridge year (i.e. the last year of the regulatory period being concluded), the airport managing body shall communicate the final data as determined above.

5. Profit sharing is recognised provided that, for the years between the first and penultimate of the previous regulatory period, the annual values of  $Q_0$  quality synthetic index defined in the *Quality Plan*, referred to in paragraph 10.11.4 (10), are higher than or equal to zero, and that the achievement of the quality targets has not accrued in conjunction with traffic downturn.

6. The provisions of this paragraph shall not apply as a result of the regulatory period whose operating cost dynamics have been developed on the basis of the provisions under paragraph 10.1.2 (2).

## 10.2 Net invested capital in the Base year and development in the regulatory period

1. As regards the valuation of the assets to be charged to the net invested capital (NIC) in the base year, the managing body may alternatively opt:

- a) for net current value, on the basis of the revaluation index referred to in paragraph 10.4 (revalued NIC);
- b) for net book value (accounting NIC).

In both cases, the value must be assumed net of the revaluations provided for by law, as they may have been made over the years.

2. The choice between the two options that is made by the managing body for the first regulatory period shall be also binding for the following regulatory periods.

3. The option for revalued NIC is associated with the actual rate of return on capital; vice versa, the option for accounting NIC is associated with the nominal rate of return on capital.

4. Should the airport managing body opt for revalued NIC, the net invested capital, as identified for the Base year of each regulatory period, shall consist of the following items (in the opposite case, the specifications set out in point 10 of this paragraph apply):

- a) tangible and intangible assets, that are realized by the managing body through self-financing (therefore, net of public contributions), at current value, and considered gross of the statutory depreciation fund and net of the technical and economic depreciation fund, also at current value;
- b) balance of receivables and payables resulting from the financial statements in the Base year, that is calculated as follows:

- i. accounts receivable, increased by bad debt provisions<sup>6</sup>, are allocated to each product (regulated, non-regulated, non-relevant, and concerning incentive activities) according to the criterion of relevance, or, alternatively, according to the driver of turnover;. the accounts receivable so allocated are considered within the limit of 25% of the regulatory allowed costs for each product for the Base year, the latter including the cost of capital;
- ii. for the purpose of calculating the balance in question, receivables may not be allocated to the regulated products pertaining to passengers (referred to in paragraph 27.6 (c), (e) and (j)), so as not to place on passengers the burden of deferrals attributable to others;
- iii. any exceeding accounts receivable of the regulated sector compared to the above limit , as well as those relating to services pertaining to passengers, shall be transferred onto non-regulated, non-relevant products and products concerning incentive activities, based on the driver of turnover;
- iv. accounts payable, entered into the balance sheet, are allocated to each (regulated, non-regulated, non-relevant, pertaining to incentive activities) product according to the criterion of relevance or, alternatively, on the basis of the drivers of external direct costs, as deriving from all operating costs and depreciation that are directly allocated in the regulatory accounting schemes, net of personnel costs;
- v. the relevant balance for each product is calculated after receivables and payables have been allocated as above.

c) works in progress) at the Base year, not exceeding their book value, as resulting from the financial statements of that year. From the value of the work in progress at the Base year, the managing body shall deduct the amount of the designs entered in the WIP, which will be included in the charge through the charge component k referred to in paragraph 10.7.1, once the work to which the design relates has come into operation;

d) fixed assets realised with public contributions, that are eligible for charging purposes in the cases, within the limits and under the conditions permitted by CIPE Decision no 3/2007, as amended, and Section 4 of ENAC guidelines, for privatisations that took place before CIPE Decision no 6/2000 and after CIPE Decision no 38/2007.

The base-year NIC value is updated to the Bridge year on the basis of the expected planned inflation for that year, according to the same methodology developed in paragraph 6 below for the annual update during the regulatory period.

5. In the case of revalued NIC, the return for the Base year and for each year of the regulatory period is calculated *ex ante*, by applying the real *pre-tax* WACC, as defined in accordance with paragraph 10.5, to the NIC value at the beginning of the year.

6. The development, for each year t of the regulatory period, of tangible and intangible fixed assets in the Base year (both self-financed and, in the cases, within the limits and under the conditions allowed under paragraph 3.2.1 of CIPE Decision no 38/2007, financed with public sources) is carried out *ex ante*, by annually deducting the relevant depreciation charge and updating the residual value to be remunerated according to the following formula:

$$(NRV)_{1 \text{ January year } t} = (NRV)_{31 \text{ December year } t-1} \cdot (1+P),$$

where:

<sup>6</sup> The increase due to the provision for bad debts is made because the provision does not imply the termination of the receivable, but merely constitutes an item set aside as a precautionary measure.

$$(NRV)_{31 \text{ December year } t-1} = [(NRV)_{1 \text{ January year } t-1} - (DEP)_{\text{year } t-1}]$$

with:

*P* rate used for determination of the rate of return on net invested capital, referred to in paragraph 10.5;

*(NRV)* net residual value of tangible and intangible fixed assets;

*(DEP)* depreciation of tangible and intangible fixed assets.

Without prejudice to the revaluation index referred to in paragraph 10.4, the NIC value to be allowed in the Base year and its development for each year of the regulatory period, insofar as it is not regulated in this Model, shall be calculated based on the methodology provided for in section 3 of ENAC Guidelines.

7. The development, for each year *t* of the regulatory period, of the balance of receivables/payables allocated to each product is obtained by revaluing the value of the previous year with the planned inflation rate, used for determining the rate of return of net invested capital, referred to in paragraph 10.5.
8. As regards the dynamics of work in progress in the period, the value allowed in the Base year will be kept constant, until the entry into operation of the work in the period, and will be revalued annually, based on the planned inflation rate, used for determining the rate of return of net invested capital, referred to in paragraph 10.5.
9. Also included in the NIC at the Base year are:
  - a) costs borne by the managing bodies for expropriation, by statutory or contractual provisions, of areas that are instrumental to air transport services, as included in the airport master plan that has been already technically approved by ENAC and by the authorities in charge of environmental and town-planning assessment, pursuant to the legal procedures laid down for this purpose, and subject to the free transfer of the relevant areas to public property. These costs shall be recognised within the limits of the fair value set through the formal assessment procedure laid down in the existing legislation and within the limits of the strictly relevant part of the *Aviation* products that are subject to charging regulation, to which such areas are instrumental, and amortised according to the criteria set out in 0.
  - b) any measures intended to mitigate environmental impact and compliance obligations laid down in the impact assessment measures issued on the airport development plan or on a single project by the competent Ministries, as included in the cost of the work from the beginning of the construction and subject to environmental and town-planning assessment
10. Where the managing body does not opt for asset revaluation (accounting NIC), the NIC identified in the Base year of each regulatory period is made up of the same items as under point 4 above, except that:
  - a) self-financed tangible and intangible fixed assets shall be:
    - i. at their net book value in the base year of each regulatory period;
    - ii. considered gross of the statutory depreciation fund and net of the economic and technical depreciation fund, that is also at book value;

- b) all NIC items shall not be updated every year depending on the planned inflation rate referred to under **Errore. L'origine riferimento non è stata trovata..**
- 11. For airports with traffic below 5 million passengers per year, the net invested capital in the Base year and its evolution over the regulatory period shall be developed with reference to the total services regulated under this Model A.

### 10.3 Depreciation rates

- 1. For the technical and economic depreciation of tangible assets, the useful life and ensuing technical and economic depreciation rates are defined on the basis of best practices in the sector, by referring, in the first place, to those suggested by ICAO in the "*Airport Economics Manual*".
- 2. For fixed assets for which the timing of update and/or replacement is laid down in appropriate legislation, the technical and economic depreciation rates shall be consistent with such timing. In this respect, the managing body shall provide information to users during the consultation.
- 3. Except in documented cases which may be put forward by the managing body on a case-by-case basis, the rates to be applied for charging purposes shall be those set out in the table below:

USEFUL LIFE OF AIRPORT ASSETS AND FACILITIES		
GROUP	USEFUL LIFE (years)	RATE
<b>TANGIBLE FIXED ASSETS</b>		
Runways, aprons	30	3.33 %
Runway facilities	10	10%
Passenger and freight terminals	25	4%
Light constructions	10	10%
Baggage Handling System (BHS)	10	10%
Loading and unloading equipment	10	10%
Cars	5	20%
Small and miscellaneous equipment	10	10%
Furniture and furnishings	10	10%
Hardware	5	20%
Land subject to expropriation	see point 4	
<b>INTANGIBLE FIXED ASSETS</b>		
Research, development and advertising costs	5	20%
Software programmes	3	33.33 %
Other intangible fixed assets	5	20%

- 4. The managing body may opt for financial depreciation, if this is more favourable to users, and in any event if it is so declared and agreed upon during the consultation on the new work to be amortized.
- 5. For the costs referred to in paragraph 10.2 (9) (a), a depreciation rate is applied, after the land acquisition for public use, that is in line both with the expropriation value under the existing legislation

and with the residual concession period (financial depreciation), from the date of acquisition for public use and until the entry into operation of the work, for the construction of which the land was acquired. From that date, the residual value of the land is depreciated by the same rate of the asset pertaining to the land.

#### 10.4 Revaluation index

1. Where the managing body opts for revalued NIC as referred to in paragraph 10.2 (4), in the base year of each regulatory period, it shall update the residual value of self-financed assets, on the basis of the gross fixed capital formation index, that is published annually on the Authority's website.

#### 10.5 Rate of return on invested capital

##### 10.5.1 General formula

1. The return on net invested capital that is due to the managing bodies is determined by the Authority according to the method based on the weighted average cost of capital (WACC), based on the following formula:

$$R = g \cdot \frac{R_d (1 - t)}{1 - T} + (1 - g) \cdot \frac{R_e}{1 - T}$$

with:

$R_d$  nominal rate of return on debt;

$R_e$  nominal rate of return allowed on equity;

$g$  % of notional financial debt of the sector (gearing);

$t$  "tax shield";

$T$  equivalent tax rate;

$R$  nominal rate of return on net invested capital (WACC) that is converted into real terms by applying the Fisher formula:

$$R_{real} = \frac{1 + R}{1 + \bar{P}} - 1$$

with:

$\bar{P}$  as the average planned inflation rate resulting – for the 5 years after the date of publication referred to in paragraph 10.5.4 – from the latest *Document of Economy and Finance* available in the 12 months preceding the deadline identified in paragraph 10.5.4 (4).

Should the planned inflation data published in the *Economic and Financial Document* in the 12 months preceding the deadline identified in paragraph 10.5.4 (4), not cover each of the 5 years

following the aforementioned deadline, the investment deflator published in the EFD shall be used in the alternative, if the data available for said deflator cover a greater number of the a.m. 5 years.

It is understood that, if the indicator for which programmatic values are available for a greater number of years does not cover all of the above-mentioned 5 years, reference is made to the figure available for the last year published as an estimate of the figure for the remaining years of the period.

For the application of the real rate of return, the provisions of paragraph 10.2 shall apply.

#### **10.5.2 Rate of return on equity**

1. The cost of equity capital is determined according to the following relation:

$$R_e = RFR + \beta_e \cdot ERP$$

with

$R_e$  cost of equity;

$RFR$  risk-free rate;

$\beta_e$  equity beta (measure of non-diversifiable systematic risk of equity);

$ERP$  equity risk premium.

#### **10.5.3 Rate of return on debt**

1. The rate of return on debt capital ( $R_d$ ) is determined based on the following relation:

$$R_d = RFR + p_d$$

with:

$p_d$  premium allowed for debt capital.

#### **10.5.4 Variables of the rate of return on invested capital**

1. WACC variables are differentiated into two categories: (i) endogenous to the company, or to all the companies considered, i.e. variables that depend wholly or partly on the economic and financial choices of the companies in the sector and (ii) variables which do not depend on these choices, but rather on the dynamics of national and international markets.
2. Included in the first category are financial structure ( $g$ ), debt premium ( $p_d$ ), equity beta coefficient ( $\beta_e$ ).
3. The second category includes the risk-free rate (RFR), the equity risk premium (ERP) and the tax rate ( $T$ ).
4. All variables for the determination of WACC are calculated on the basis of the criteria set out in this Model A and published on the Authority's website. Upon initial application, the results of this calculation are made available at the same time as the approval of these Models and remain applicable until the following update to allow the managing bodies, as from the date of entry into force of the Models, to draw up the proposal for airport charges review, that shall be submitted to users upon the launch of the consultation and is applicable for the entire regulatory period.

In application of the aforementioned criteria, as from 2024, the Authority publishes the value of the updated applicable WACC on its institutional website, by the 31<sup>st</sup> of May of each year.

#### **10.5.5 Exogenous variables**

1. The *risk-free rate (RFR)* is given by the arithmetic mean of the daily gross returns of the ten-year BTP\*, as identified by the Bank of Italy and as available with reference to the 12 months preceding the date of publication of the variables referred to under paragraph 10.5.4 (4).
2. The *equity risk premium (ERP)* is measured as the difference between overall return on equity market and return on risk-free financial assets. The *ERP* is calculated, also by taking into account the *ERP* value that is estimated by other national regulatory authorities, by considering the weighted average of arithmetic and geometric mean of time series as reported in the survey by Dimson, Marsh and Staunton (DMS).
3. As regards the tax rate (*T*), two corporate taxes are considered:
  - a) corporate income tax (IRES);
  - b) regional tax on productive activities (IRAP).
4. Given the different nature of these taxes, with reference to both tax base and non-deductibility of financial charges from IRAP, only the IRES rate is used for the tax shield of the financial charges, whereas the amount of both taxes is taken into account to calculate the corporate tax rate. This is a theoretical rate that considers the IRES tax rate and the ordinary maximum IRAP tax rate derivable from the sector regulations in force.

\* long-term Italian Treasury bond (TN).

#### **10.5.6 Endogenous variables**

1. The financial structure *gearing (g)* measures the ratio of total financial debt in the short- and medium-long term (*D*) to total financing sources, that, in addition to the a.m. debt, also include the value of equity (*E*), so that  $g = (D/(D + E))$ .
2. For the calculation of the return on net invested capital, the Authority adopts the notional *gearing* given by the arithmetic mean of gearing values relating to the airport managing bodies operating national airports that have recorded over one million passengers per year in each of the 5 years preceding the survey, considering a time span of 5 years, where:
  - (a) the value of financial debt includes bond or capital loans;
  - (b) the equity refers to the corporate book value, with the exclusion of third-party assets in the case of consolidated financial statements.
3. The cost of notional debt is determined on the basis of the ratio of financial costs to financial debt of airport managing companies operating national airports that have recorded over one million passengers per year in each of the 5 years preceding the survey, considering a time span of 5 years. Financial debts are considered as set out under paragraph 2. With regard to financial charges, account is taken of the income statement item "interest income and other financial charges", with reference

to the financial debt considered. The cost of debt is given by the amount of risk-free rate and debt premium (the latter not exceeding 2%).

4. The equity beta coefficient ( $\beta_e$ ) is estimated through the analysis of the beta coefficients of a sample of listed airport managing companies (comparables). In order to represent the risk factors of the airport sector, included in the sample are national and EU airport managing companies with the highest capitalisation and sufficient liquid securities.
5. The estimation of the betas of comparable companies is performed on the basis of time series of daily data, with a time horizon of 5 years.
6. Having identified the beta equities, they are netted of the specific financial leverage ("delevering") in favour of a notional leverage, so as to take into account an efficient financial structure.
7. The beta assets ( $\beta_a^i$ ) of each company considered in the sample are then derived by applying the delevering standard methodology referred to in the following formula:

$$\beta_a^i = \frac{\beta_e^i}{(1 + (1 - t^i) D^i / E^i)}$$

with:

- $\beta_a^i$  beta asset of i-th company;
- $\beta_e^i$  beta equity of i-th company;
- $t^i$  corporate tax rate actually paid on the income of the i-th company of the sample;
- $D^i / E^i$  financial leverage, where  $E^i$  and  $D^i$  refer to the i-th company of the sample, to equity and gross financial debt, respectively.

8. The beta asset of the sector is given by the arithmetic mean of the values obtained from each comparable.
9. The average beta asset as identified as above is then re-levered so as to obtain the notional beta equity for the sector.
10. The re-levering is carried out based on the D/E ratio obtained for gearing according to the following formula:

$$\beta_e = \beta_a \cdot \left[ 1 + (1 - t_{ires}) \cdot \left( \frac{D}{E} \right) \right]$$

#### 10.5.7 Summary table: WACC calculation table

1) $G = D/(D + E)$	gearing
2) $(1-g) = E/(D + E)$	equity share of managing body
3) $RFR$	risk-free rate
4) $P_d$	debt premium
5) $R_d = RFR + p_d$	allowed cost of debt
6) $ERP$	equity risk premium

7)	$\beta_a$	asset beta
8)	$\beta_e$	equity beta
9)	$R_e = RFR + \beta_e * ERP$	cost of equity
10)	$t$	tax shield (IRES tax rate)
11)	$T$	total tax rate
12)	$R \text{ (nom, gross)} = R_d * (1-t) * g + R_e * (1-g)$	nominal post-tax WACC
13)	$R \text{ (nom, net)} = R_{\text{(nom, gross)}} / (1-T)$	nominal pre-tax WACC
14)	$P$	planned inflation rate or investment deflator
15)	$R \text{ (real, net)} = ((1 + R \text{ (nom, net)}) / (1-P)) - 1$	real pre-tax WACC

## 10.6 Incremental WACC

- Under exceptional circumstances, the Authority may assess the provisional application of limited measures to increase WACC, based on specific and substantiated requests filed by the airport managing body, subject to the agreement of the awarding entity. These measures apply to investments that are related, in the context of a balanced growth of airport capacity, also to technological innovation, airport security and quality of services, pursuant to Article 71 (3) of Decree-law no 1/2012, as well as to environmental protection and reduction of negative externalities.
- The provisional application referred to in paragraph 1 may not exceed 50% of the useful life of the investment, and may not pertain to work in progress.
- The measure of the incremental WACC is 1%.
- Where the managing body intends to apply to the Authority in order to obtain a WACC increase for a specified investment, it shall prove that the investment meets at least the following conditions:
  - has high risk factors, including in relation to the innovation of processes and services;
  - is not linked to statutory obligations;
  - is supplementary to the operations that are strictly necessary to ensure, in line with ENAC technical guidelines, the development and maintenance of infrastructure and adequate levels of security and service.

## 10.7 Estimation of cost discontinuities

### 10.7.1 K Charge component

- For the purpose of the consultation referred to in Measure 6, the airport managing body shall provide programmatic evidence, as may be estimated in the Bridge year, of the  $k$  charge component referred to in the charge formula under paragraph 10.1.1 (2), by determining the estimated regulatory costs for new investments, for each year of the regulatory period, on the following basis:
  - for work in progress: remuneration calculated by applying the rate of return referred to in paragraph 10.5 on the estimated value of the balance of change in the work in progress, as resulting from the algebraic sum of incremental work in progress and work in progress that has been cancelled due to the entry into operation of the relevant asset;

- b) for finished works (entered into operation):
  - i. remuneration calculated by applying the rate of return referred to in paragraph 10.5 on the value of the work;
  - ii. relevant depreciation allowances;
  - iii. operating costs (e.g. utilities, maintenance, cleaning, etc.) directly related to the works;
- c) for extraordinary maintenance:
  - i. remuneration calculated by applying the rate of return referred to in paragraph 10.5 on the capitalised value of the work;
  - ii. relevant depreciation allowance, usually estimated on account of the depreciation rate that is applicable to the asset subject to maintenance;
- d) for expropriations and acquisitions of areas:
  - i. remuneration calculated by applying the rate of return referred to in paragraph 10.5;
  - ii. relevant depreciation allowance, estimated in accordance with paragraph 10.3;
- e) for temporarily unavailable works:
  - i. if available in the dynamics of the operating costs in the Base year referred to in paragraph 10.1.2, lower operating costs (e.g.: utilities, maintenance, cleaning, etc.) directly related to the works.

2. For the above purposes, the airport managing body shall estimate the *k* charge component for each year of the period in question, considering the cost items (referred to in the previous paragraph) pertaining to the investments that are expected to be made in the years between the Bridge year and the immediately preceding year, as indicated in the Action plan annexed to the *Consultation Document*.
3. As regards design costs, the airport managing body shall deduct from the value of the work in progress estimated for each year of the regulatory period, the amount of the designs which, like those already entered in the WIP for the Base year, will be calculated in the charge through the *k* charge component in the year following that of the foreseeable entry into operation of the work to which the design is related.

#### **10.7.2 *V* charge component**

1. In the consultation referred to in Measure 6, to provide airport users with adequate information on the development of the level of airport charges in each year of the regulatory period, the airport managing body sets the *v* charge component, determining the estimated regulatory costs for incremental charges linked to the entry into force of new laws and/or regulations, which are already foreseeable in the Bridge year of each regulatory period. The charges are inclusive of the *v* charge component related to cost discontinuities accrued in the previous year.
2. The costs incurred by the airport managing body for the contribution to the fund established by article 1 (1328) of Law no 296/2006 (Financial Law 2007) for the financing of airport fire-fighting services are also subject to the provisions referred to in this paragraph. In this case, these contribution charges are defined on the basis of the preliminary or expected traffic data, for each year of the period.
3. During the annual monitoring, the unforeseeable charges in the Bridge year, incurred for new laws or regulations, pertaining to the regulated products, will be allowed in the charge through the *v* charge component, with an information obligation to users in the annual consultation referred to in paragraph 8.2.

4. Increased charges, the effects of which are already included into the inflationary dynamics of operating costs in the Base year, as referred to in paragraph 10.1.2, shall not be allowed in the charge as legislative and/or regulatory discontinuities under the v charge component.

#### **10.7.3 Notional items**

1. To ensure gradual development of the charge, (positive or negative) notional items may be included in the allowed costs of a regulated product, so as to anticipate or postpone the calculation of these costs with respect to the year of actual accrual.
2. Any anticipation or postponement of the cost accounting referred to in paragraph 1 must produce effects in the time interval that is strictly essential for its absorption, in accordance with the charge dynamics subject to consultation and in compliance with the principles of transparency, relevance and reasonableness.
3. The inclusion of notional items in the allowed costs is permitted provided that the principle of economic and financial neutrality in the time period considered as a whole is complied with.
4. Receivable or payable notional items of the airport managing body included pursuant to this Model, as defined *ex ante* and capitalised with the application of the nominal rate of return defined for the regulatory period referred to in paragraph 10.5, shall be highlighted in the consultation for each year and for each regulated product.
5. The balance of notional items shall be cancelled out within the regulatory period, unless otherwise agreed upon between the airport managing body and the users.
6. In any case:
  - (a) any balance of imputed items, determined as a result of the consultation referred to in paragraph 6.4, may be recovered in following regulatory periods up to a maximum of:
    - i. 30% of the costs allowed in the Base year of the first period, for the second period of application of this Model A;
    - ii. 10% of the costs allowed in the Base year of the immediately preceding period for following periods of application of this Model A;
  - (b) the balance of the notional items must be zeroed out by the expiry of the concession and may not flow into the takeover value to be paid by the new concessionaire.
7. For airports with traffic below 5 million passengers per year, the notional items are shown by reference to the total regulated services under this Model A.
8. No notional items are provided for outside this Model, subject to any balance of such items agreed upon in the consultation between airport managing bodies and users at the end of the last period of application of the Models referred to in Decisions nos. 64/2014 and 92/2017, in accordance with the provisions contained therein. The provisions set forth in the preceding paragraphs shall apply to this balance.

#### **10.8 Treatment of commercial margin**

1. Subject to the application of the transparency criteria referred to paragraph 2 below, the application of the *dual till* charging system is allowed, whereby the managing body determines the extent and

arrangements to take into account the margin from ancillary activities in the construction of the charge.

2. The commercial margin (*CM*)), generated by the ancillary activities referred to in paragraph 27.4 (5), is determined by the difference between the amount of revenues and costs resulting from those activities, as shown in the regulatory accounting schemes referred to in Part V.
3. The airport managing body shall provide airport users, in the context of the *Consultation document* (cf. paragraph 7.1.1 (7) (o)) with detailed information concerning:
  - a) quantification of commercial margin (*MC*) with reference to the Base year;
  - b) its pro-rata use (financing of investments, air traffic incentive activities, any other to be specified), with reference to both the Base year and — in terms of forecasts — each year of the regulatory period.
4. The airport managing body shall provide airport users, in the context of the *Annual information document* (cf. paragraph 8.2.1 (2) (l)) with detailed information concerning:
  - a) quantification of commercial margin (*MC*) with reference to the year prior to the current year;
  - b) its pro-rata use (financing of investments, air traffic incentive activities, any other to be specified).

#### **10.9 Final proposal of charge dynamics and annual monitoring**

1. Taking into account the outcome of the consultation and the commitments with the users for the regulatory period, the airport managing body shall forward to the Authority, according to the terms under Measure 8, the final proposal for the average unit charge for each regulated product and for each year of the regulatory period, in accordance with the formula under paragraph 10.1, together with the table of the charge components of each single product and the documents referred to in paragraph 8.2.1.
2. For the first year of the regulatory period, the charges are inclusive of the *k* and *v* components pertaining to investments and cost discontinuities accrued in the Bridge year, as described in paragraph 10.7. In this regard, additional operating costs accrued in the Bridge Year are allowed as charge discontinuity upon proof of the absence of overcompensation compared to what is recognized under the update procedures in paragraph 10.1.2.
3. The airport managing body shall carry out the necessary ensuing steps for communication to the IATA ticketing network, as provided for in Measure 8.
4. Unless otherwise agreed between the parties in the consultation procedure held in the Bridge year, the airport managing body will launch a new consultation at the end of the regulatory period, even in conjunction with the annual consultation for the Bridge year of the new regulatory period, in order to provide an end-of-period reporting to be considered in the construction of the updated charges. This reporting will in any case be part of the *Consultation Document* to be provided to airport users and to the Authority, as set out in Measure 7.
5. For the actual annual costs related to *k* charge component, the airport managing body shall submit to ENAC and to the Authority:
  - a) no later than 150 days before the planned date of entry into force of the airport charges and fees for the following year, a statement signed by its legal representative — pursuant to Presidential

Decree no 445 of 28 December 2000 — certifying the state of compliance as at the 30<sup>th</sup> of June for each investment planned for the current year under the Action plan of the regulatory period and for the operating costs associated therewith, as well as, based on reliable estimates, what will be accounted for by the 31<sup>th</sup> of December of the same year;

- b) no later than 15 days of the date of approval of the annual accounts and in any case no later than the 31<sup>st</sup> of July of each year of the regulatory period, a statement signed by its legal representative — pursuant to Presidential Decree no 445 of 28 December 2000 — certifying the state of compliance as at the 31<sup>st</sup> of December for each investment planned for the preceding year under the Action plan of the regulatory period and for the operating costs associated therewith.
- 6. For the purpose of the above paragraphs, the airport managing body shall certify, in respect of each investment planned for the current year of the Action plan, the amount of the assets entered into operation and the balance between incremental work in progress and work in progress that has been cancelled due to the entry into operation of the assets.
- 7. In the case of specific works in progress for which a delay is identified with respect to the estimated work schedule for the regulatory period of reference, together with the absence of incremental values with respect to those resulting as of the 31<sup>st</sup> of December of the immediately preceding year, the return on the capital pertaining to the total works related to the construction will be suspended until the entry into operation of these works, unless this depends on causes that may not be attributed to the managing body.
- 8. Moreover, for the actual annual costs related to a charge component, the airport managing body shall submit to ENAC and to the Authority:
  - a) no later than 150 days before the planned date of entry into force of the airport charges and fees for the following year, a statement signed by its legal representative — pursuant to Presidential Decree no 445 of 28 December 2000 — certifying the cost discontinuities already occurred as at the 30<sup>th</sup> of June and those which, based on reliable estimates, will be accounted for by the 31<sup>th</sup> of December of the same year;
  - b) no later than 15 days of the date of approval of the annual accounts and in any case no later than the 31<sup>st</sup> of July of each year of the regulatory period, a statement signed by its legal representative — pursuant to Presidential Decree no 445 of 28 December 2000 — certifying the cost discontinuities already occurred as at the 31<sup>st</sup> of December of the preceding year.
- 9. Within 15 days of the receipt of the validations issued by ENAC with regard to paragraphs 5 (b) and 8 (b), the managing body shall transmit to the Authority and to the users any update of the level of regulated charges and fees to be applied for the following year. Any revisions of the assessments made by ENAC may be considered by the managing body only after the relevant communication, and the resulting impacts shall be taken into account for the purpose of the annual monitoring in the following year.
- 10. If the validations issued by ENAC are not made available at least 15 days in advance of the deadline for the communication of the updated level of charges, pursuant to Article 6.2 of Directive 2009/12/EC, to the parties that are in charge of updating IATA ticketing systems at Italian travel agencies, the resulting impacts are considered in the context of the annual monitoring and with effects for the annual monitoring in the following year.

11. At the same time as the update referred to in paragraphs 9 and 10, the managing body shall provide the Authority with the documents that, starting from the update of Annex 2, allow to verify the implementation of any validations by ENAC and the related impact on the fees.
12. Any deviation identified between the preliminary data provided by the airport managing body and the final statements will imply the revision of k and v charge components of the previous year and, at the same time, will result in the application of an adjustment based on the difference between the charge incorporating the final value of k and v charge components, and the charge incorporating the preliminary value of k and v charge components; this difference is then multiplied by the service units planned for the year in question. The adjustment will be entered in the accounts and recovered in the charge under the v charge component of the following year, as increased by the interest calculated on the basis of the nominal rate of return referred to in paragraph 10.5.
13. If it is found that the data provided by the airport managing body are untrue, the Authority may provide for arrangements to recover the amounts unduly received by the managing body, which shall be refunded to users, together with the relevant interest calculated on the basis of the rate of return on debt capital that is set by the Authority for regulated products.
14. In the Base year of each regulatory period, the costs of investments provided for in the Action plan, that are incurred in the immediately preceding regulatory period, shall cease to be calculated through the k charge component, since they are included in the NIC of the Base year of the new regulatory period, at their net current value, which is defined on the basis of the index set out in paragraph 10.7 above, or at their net book value. Capital costs are calculated for in the following year in the manner set forth in paragraph 10.7.1 (2).
15. With reference to x charge component, the managing body updates the planned inflation rate referred to in the dynamics of the operating costs allowed in the Base year, paragraph 10.1.2, for the year t+1 on the basis of the latest Economic and Financial Document available at the date of publication of the *Consultation document*. If the available data do not cover year t+1, the managing body may refer to the figure of the last available year, that will be used as an estimate of the figure for the remaining years of the period.
16. For airports with traffic below 5 million passengers per year, the "Final proposal for charge dynamics and annual monitoring" is defined with reference to the total services regulated under this Model A.

#### **10.10 Sustainability of traffic risk**

1. At the end of each regulatory period covered by this Model A, for each regulated product, if the difference between the total number of actual service units and the total number of scheduled service units for the elapsed regulatory period is:
  - a) positive and above a predetermined threshold equal to +Y%, the amount corresponding to 100% of the amount of the higher revenues attributable to the service units exceeding the Y% threshold will be returned in the charge to be applied to the following regulatory period, or, for the regulatory period in which the concession expires, it will be transferred to the new concessionaire who will consider it when determining its airport fees and charges;
  - b) negative and below a predetermined threshold equal to -Y%, the amount corresponding to 100% of the amount of the loss of revenue attributable to the service units exceeding the Y% threshold

will be recovered in the charge to be applied to the following regulatory period, or, for the regulatory period in which the concession expires, will be transferred to the new concessionaire who will consider it when determining its airport fees and charges.

2. The margin, to be calculated in the charge of the following regulatory period as a decrease/increase of the allowed costs, shall be calculated as the difference between:
  - (a) the revenues resulting from the multiplication of the charges and fees in force in each year by the respective actual service units achieved;
  - (b) the revenues resulting from the multiplication of the charges and fees in force in each year by the respective *ex ante* estimated service units, increased/reduced by Y%.

With regard to the last year of each regulatory period, account is taken of the actual traffic data as at the 31<sup>st</sup> of July and of the estimated traffic data as at the 31<sup>st</sup> of December, based on the best available estimates.

3. The value of Y% threshold is set in the consultation procedure.

## 10.11 Quality and environmental protection for the purpose of the charge dynamics: parameter $\varepsilon$

### 10.11.1 General principles

1. The parameter for quality and environmental protection, which operates on the charge dynamics as provided for in paragraph 10.1.1, is calculated according to the following equation:

$$\varepsilon_t = f \cdot q_t + (1 - f) \cdot a_t$$

with:

$\varepsilon_t$  parameter that considers the achievement or non-achievement of quality and environmental protection objectives, to be applied in year t;

$q_t, a_t$  parameters that measure the achievement of the annual quality and environmental protection objectives in year t; their value is determined by applying the methodology under paragraph 10.11.4;

$f$  weight for the quality target, which is assigned a value of 0.5.

2. In order to determine the charge parameters  $q_t$  and  $a_t$ , representing the achievement of quality and environmental protection objectives, it is necessary to:
  - a) define analytical quality and environmental protection indicators;
  - b) attribute to each of them a weight, considering that the weights of the indicators of each group (quality — environmental protection) should be 1;
  - c) build the synthetic indicators of quality ( $Q_t$ ) and environmental protection ( $A_t$ ) in order to determine the values to be assigned to the parameters  $q_t$  and  $a_t$ .

#### **10.11.2 Quality indicators**

1. Quality analytical indicators are selected by the managing body, in agreement with ENAC and, in any case, among those upon which the managing body may exercise control.
2. The indicators should preferably be selected among those which can be measured in physical terms, giving priority to the indicators expressed in terms of "delivered quality" compared to those in terms of "perceived quality" (collected through surveys), and excluding binary indicators, i.e. presence or absence of a resource (e.g.: website, facilities for PRM, etc.).
3. Quality indicators can be differentiated into indicators of passenger comfort and indicators related to the overall airport functionality (understood as the ability to manage traffic efficiently), which in turn positively impact on the first.
4. Selected indicators, weights that are appropriately associated with each of them, and target values assumed for the regulatory period, defined according to the actual needs for improvement of the services to be provided, shall take into account the indications arising from the consultation referred to in 0.

#### **10.11.3 Indicators of environmental protection**

1. In order to encourage the managing body to reduce the environmental externalities related to the airport activity, the indicators of environmental protection covered by the monitoring constitute its commitment to improve every year the environmental impact of the airport infrastructure under concession.
2. The environmental indicators are usually identified by the managing body, in agreement with ENAC, among those indicated in the document issued by the latter. This document identifies the airport environmental objectives on account of the relevant national policies, including with reference to the commitments made in international fora.
3. Selected indicators, weights that are appropriately associated with each of them, and target values assumed for the regulatory period shall take into account the information arising from the consultation, and ensure in all cases the consistency with the environmental legislation and policies covering the national airport Network.
4. An overall weight is assigned to each target indicator, depending on its environmental and social significance, on the estimated size of the investment required to achieve the objective, and on the airport concerned.
5. Target indicators are selected based on the following criteria:
  - a) they will comply with actual needs for improvement of the airport concerned and will give priority to issues representing major environmental deficiencies, so that, over the years, the system can also be a means of standardising the environmental performance of the Italian airport Network;
  - b) they will be significant with regard to the environmental performance of individual airport structures, in order to represent a real opportunity for improving the ecological level of the airport concerned;
  - c) they will be balanced with respect to the size of the airport concerned and to the charge increase that may be granted for target achievement;

d) they will preferably relate to the environmental requests of local institutions and associations.

In addition, the targets considered by ENAC to improve and standardise the environmental protection of the national airport Network may be taken as objectives of environmental improvement, that are common to all airports and will be included regardless of the managing body's proposals.

Indications may be provided by the Authority also on the basis of European benchmarks, for the set of indicators.

6. In any event, the targets shall constitute an improvement compared to the thresholds that may be laid down in national, regional or local legislation. Compliance with these thresholds shall be demonstrated by providing appropriate documentation.

#### 10.11.4 Impact of indicators on charges

1. A reward/penalty scheme is provided for on the basis of the year-to-year deviation from synthetic target indicators of quality ( $Q_o$ ) and environmental protection ( $A_o$ ), that are set separately, taking into account that the incremental costs resulting from their achievement are computed in advance in the dynamics of the regulated charges.
2. Negative deviations are considered as representing circumstances which, where they are not due to force majeure or to the managing body's liability, require a greater impact on the charging system. The penalties resulting from these negative deviations will therefore be doubled compared to the rewards resulting from positive deviations.
3. The application of the scheme implies charge variations that should be applied equally to all regulated services, with a variable value ranging between **-2%** and **+1 %**.
4. Preliminary to the determination of the synthetic target indicators is the identification of each analytical indicator of quality and environmental protection. This is aimed at assessing the level of quality and environmental protection achieved in the Base year, so as to "adjust" the targets accordingly.
5. The improvement targets ( $Oq$  and  $Oa$ ) are set — *ex ante* and for each year — in terms of variation of the value of the individual analytical indicators of each set, compared to the value in the Base year, taking into account the "state-of-the art" resulting from the identification referred to above.
6. In the case of indicators relating to new works or base-year values equal to zero, the first target value other than zero, as set out *ex ante* during the regulatory period, shall be assumed as base-year value.
7. In order to avoid that base-year values close to zero and negligible deviations may imply an overall leverage effect, in such cases the calculation of the deviation percentage is made by calculating the values of the Base year and the target values by using the complement reference value as a unit of measurement.
8. The achievement of target indicators for the regulatory period shall be verified annually on the basis of the synthetic indicators of quality and environmental protection  $Q_t$  and  $A_t$ , that are determined based on the following relations:

$$Q_t = \sum_j (Iq_{j,t} \cdot Pq_j) \quad A_t = \sum_j (Ia_{j,t} \cdot Pa_j)$$

with:

$Iq_{j,t}$  value of j-th quality analytical indicator achieved in year t, as a percentage change of the value of the indicator in the Base year;

$Pq_j$  weight of j-th quality analytical indicator;

$Ia_{j,t}$  value of j-th analytical environmental protection indicator achieved in year t, expressed as a percentage change of the value of the indicator in the Base year;

$Pa_j$  weight of j-th environmental protection indicator.

9. The synthetic indices referred to under the previous paragraph, in order to allocate the corresponding values to parameters  $q$  and  $a$ , are compared with the synthetic quality ( $Q_t$ ) and environmental protection ( $A_t$ ) target indicators, calculated *ex ante* for each year of the regulatory period based on the following formulas:

$$Q_{0,t} = \sum_j (Oq_{j,t} \cdot Pq_j) \quad A_{0,t} = \sum_j (Oa_{j,t} \cdot Pa_j)$$

with:

$Oq_{j,t}$  target of j-th quality analytical indicator ( $Iq$ ) set for year t, expressed as a percentage change of the value of the indicator in the base year;

$Oa_{j,t}$  target of j-th environmental protection analytical indicator ( $Ia$ ) set for year t, expressed as a percentage change of the value of the indicator in the Base year.

10. The reward/penalty scheme shall be laid down by:

a) identifying, for each year t, the deviation thresholds ( $S_{qt}$ ) and ( $S_{at}$ ), to be applied to the synthetic target indicator (for quality and environmental protection, respectively) that is assigned for the same year, by assuming for those parameters a value equal to the difference between the same synthetic indicator for year t and that for year (t - 1), as follows:

$$S_{qt} = Q_{0,t} - Q_{0,(t-1)} \quad S_{at} = A_{0,t} - A_{0,(t-1)}$$

b) comparing the values  $Q_t$  and  $Q_{0,t}$  (quality), as well as  $A_t$  and  $A_{0,t}$  (environmental protection), respectively;

c) the value to be attributed to each parameter  $q$  and  $a$  is derived from the following table:

Value $Q_t$	Value $q$
$Q_t \leq Q_{0,t} - S_{qt}$	- 2 %
$Q_{0,t} - S_{qt} < Q_t < Q_{0,t}$	from -2 % to 0 (linear interpolation)
$Q_{0,t} < Q_t < Q_{0,t} + S_{qt}$	from 0 to + 1 % (linear interpolation)
$Q_t \geq Q_{0,t} + S_{qt}$	+ 1 %

Value $A_t$	Value $a$
$A_t \leq A_{0,t} - S_{at}$	- 2 %
$A_{0,t} - S_{at} < A_t < A_{0,t}$	from -2 % to 0 (linear interpolation)
$A_{0,t} < A_t < A_{0,t} + S_{at}$	from 0 to + 1 % (linear interpolation)
$A_t \geq A_{0,t} + S_{at}$	+ 1 %

11. The impact of parameter  $\varepsilon$  on the dynamics of each regulated payment will be derived from the formula under paragraph 10.1.1.

#### 10.11.5 Monitoring of $\epsilon$ parameter

1. With reference to  $\epsilon$  parameter, given that any deviations in year  $t$  from the objectives of year ( $t-1$ ) have an impact on the charges of the year ( $t+1$ ), during the annual monitoring, the airport managing body shall submit to ENAC and to the Authority, within 15 days as of the date of approval of the annual accounts and in any case no later than the 31<sup>st</sup> of July of each year of the regulatory period, the final value of the analytical quality and environmental protection indicators for the immediately preceding year, including by using the appropriate spreadsheet under Annex 2.
2. Following the annual consultations carried out in each year of the regulatory period, as laid down in paragraph 8.2, after verification of the correct application of this Model, the Authority may acquire any additional elements that are either deemed necessary for the checks required following the non-agreement, or appropriate by the Authority itself for the validation or adjustment of the  $\epsilon$  parameter value to be applied to the immediately following year.

### Measure 11. Charging structure

#### 11.1 Sub-classification of charges

1. On the basis of the unit average charge referred to in paragraph 10.1, as determined for each regulated product referred to in paragraph 27.6 and pertaining to each year of the regulatory period, the managing body, at equal total revenue, determines the airport charges for all sub-classifications or bundling of products, as defined below.
2. Subject to user consultation, the managing body may adopt sub-classifications of charges to enable a better use of the airport capacity, or for purposes of environmental protection, including, for example:
  - a) peak/off peak charges;
  - b) summer/winter charges;
  - c) separate charges for aircraft tonne classes;
  - d) separate charges for type or class of goods for exclusive use;
  - e) separate charges for aircraft noise or air pollution classes;
  - f) separate charges for passenger origin and destination (e.g. Schengen/non-Schengen).
3. The adoption of sub-classifications and charge exemptions by the managing body, as provided for in the existing legislation, remains unaffected.
4. For each regulated service, or any bundling thereof, resulting from the application of the pricing systems specified below, the calculation of the average unit charge for each year of the regulatory period, may be followed by a charge modulation or sub-classification carried out by the managing body by taking into account that, for the average unit charge  $C_{t,j}$  for year  $t$ , the following relation shall apply:

$$C_{t,j} = \frac{\sum_{i=1}^n (p_{i,j}^t \cdot q_{i,j}^t)}{\sum_{i=1}^n q_{i,j}^t}$$

where  $p_{i,j}^t$  and  $q_{i,j}^t$  are, respectively, the unit charges and production volumes of service units  $j$ , that are estimated *ex ante* and relate to the quantities belonging to the  $i$ -th of  $n$  classes of charge sub-classification or modulation for each of the individual regulated products, or bundling thereof, in year  $t$ .

5. For each component described above (charges and volumes), adequate evidence shall be provided to the Authority for the purpose of the verification of compliance of the managing body's charging proposal.
6. For airports with traffic below 5 million passengers per year, the "sub-classification of charges" shall be defined on the basis of the average charge elaborated for all the regulated services provided by the managing body, broken down for each individual regulated product referred to in paragraph 27.6 and sub-broken down in accordance with the provisions of this paragraph.

### **11.2 Bundling of regulated products**

1. With a view to promoting the rationalization of the system of airport charges, the managing body may submit to consultation the bundling of the regulated products, where they are targeted to homogeneous user categories.
2. The regulated products, that are bundled as referred to under paragraph 1, are jointly subject to the charge construction systems provided for under Measure 10 of this Model A.

### **11.3 Basket and modulation of charges**

1. When drafting the charging proposal, the managing body may apply the charging basket system through:
  - a) the combination of a number of regulated products, to be submitted together with the charge construction systems provided for under Measure 10 of this Model A;
  - b) the following modulation of the unit charges pertaining to individual bundled products, to be carried out by:
    - i. ensuring compliance with the principles laid down in Article 80 (1) of Decree-law no 1/2012;
    - ii. annually ensuring compliance with the principle of economic neutrality;
    - iii. pursuing a reasonable rebalancing of the charges of the products of the basket, by adopting an efficient pricing system that reflects different elasticities of the underlying demand, including for the purpose of alignment with EU average airport charges as applied in airports with similar infrastructure features.
2. The adoption of the basket can be aimed at:
  - a) encouraging traffic development, or safeguarding existing traffic volumes;
  - b) optimising airport capacity management;
  - c) ensuring gradual changes in the unit prices provided for in the regulatory period;
  - d) safeguarding investment efficiency;
  - e) encouraging airport competition.
3. If it intends to adopt a basket system, during the consultation the managing body shall:
  - a) provide clear evidence of the unit charges deriving from the application of the basket, as resulting before and after the charge modulation;
  - b) provide each user, upon request, with all the information necessary to assess the impact of the charge modulation on its traffic volumes;
  - c) provide the Authority with all the necessary information to analyse the impact of the adoption of the baskets of charges. In particular, the Authority shall verify the following:
    - i. compliance with the principles laid down in Article 80 (1) of Decree-law no 1/2012;

- ii. compliance with the principle of economic and financial neutrality within the time period considered as a whole;
- iii. impact on market segments, based on benchmarks by aircraft type. This includes, but is not limited to, the impact on passenger segment (low cost, full service) and cargo.
- iv. impact on the optimal use of the infrastructure and on the operating efficiency of the managing body;
- v. environmental and qualitative impact.

4. This paragraph does not apply to airports with traffic below 5 million passengers per year, since the determination of the applicable charges is based on a single basket of services.

## PART III Model B — Airports with traffic equal to or below 1 million passengers

### Measure 12. Procedure for the review of airport charges

#### 12.1 Scope

1. Pursuant to the provisions of article 76 (6) of Decree-law no 1/2012, Model B shall apply to national airports, open to commercial traffic, which have recorded a traffic equal to or below one million passengers per year in each of the 5 years preceding the Bridge year, assessed on the basis of the calculation of the annual passengers carried, for which data are available.
2. For the purpose of the classification referred to in the preceding paragraph, for the calculation of the passengers carried, reference is made to the total traffic, including arrivals and departures, to the data communicated by the managing body in the regulatory Accounting, referred to in Part V; where these are not available, reference is made to the data published on ENAC's institutional website or, alternatively, to the data published on the website of trade associations, relating to the commercial total amount.

#### 12.2 Simplified procedure for the review of airport charges

##### 12.2.1 Purpose

1. Pursuant to article 76 (3) of Decree-law No. 1/2012, airport managing bodies shall carry out regular consultations with the airport users, concerning the functioning of the airport charges system, the amount of the charges and the quality of the services supplied. This consultation shall be held at least once a year and the Authority shall be informed accordingly.
2. Pursuant to article 76 (2) of Decree-law No. 1/2012, any proposal to modify the system or amount of the charges is subject to the obligation to consult the airport users and is therefore subject to the procedure set out in the measures of this Model B.

##### 12.2.2 Launch of the consultation procedure

1. Consultation for the review of the charging system or of the amount thereof is initiated by the parties with the procedures identified in paragraph 6.2 of Model A.

##### 12.2.3 Notification to the Authority of the proposed review of airport charges

1. The airport managing body shall notify, by CEM, to the Authority that it intends to submit to consultation a proposal for the review of airport charges in accordance with the format under Errore. L'origine riferimento non è stata trovata., at least 30 days before the scheduled date of the launch of the user consultation procedure, that is indicated in the notice.

##### 12.2.4 Consultation on the proposal for review of airport charges

1. The notice, that is addressed to the Authority's certified e-mail, shall be accompanied by a full copy of the documentation drawn up by the managing body in support of the Proposal, in accordance with the provisions under Measure 13.

1. On the date of opening of the consultation, this documentation shall be accessible to airport users and their associations, in a dedicated section of the managing body's website, with restricted access upon registration of each user.
2. The Authority will publicise the notice received on its website, thereby formalising the launch of the Procedure for the review of airport charges.
3. The modification of airport charges is ineffective in the event of failure to notify.
4. Based on the documentation published by the managing body, users may submit, by CEM, written observations and detailed queries on specified topics to the managing body and, for information, to the Authority, in the following 25 days following the launch of the consultation.

**Measure 13. Information to be provided by the managing body****13.1 Documentation required to initiate the consultation procedure**

1. The airport managing body shall draw up the *Consultation document*, including in English. The document illustrates the proposal for the review of airport charges and other regulated fees pursuant to this regulatory Act, as well as the issues of major interest for airport users.
2. For the purpose of drafting the Document, in accordance with the general principles laid down in Measure 4, the managing body applies the rate of return on invested capital that is published every year by the Authority, in accordance with paragraph 10.5. As to the possible temporary application of limited measures of WACC increase, the provisions of paragraph 10.6 shall apply.
3. The document shall contain at least the following information:
  - a) length of the regulatory period, as defined in accordance with the Action plan and with the quality and environmental protection plan approved by ENAC, and estimated date of its entry into force, considering the need to publicly disclose the charges and fees at least 2 months before their entry into force, in accordance with article 6.2 of the Directive;
  - b) description of the proposal for the review of airport charges and other regulated fees, of its rationale and main impact on existing fees and charges;
  - c) list of existing and proposed airport charges and fees, to be attached also in computer-editable format;
  - d) proposed dynamics of airport charges and fees for the regulatory period, pursuant to the provisions of Measure 16, with evidence of the charges referred to in paragraph 27.6 (i) and (j) in a separate table, to be attached also in computer-editable format;
  - e) comparison of the level of airport charges and fees proposed by the managing body for the first year of the regulatory period with:
    - i. the level of airport charges and fees in European airports with similar infrastructure characteristics, traffic and service standards, giving evidence of the sources used (e.g. links to the websites of the charges of comparable managing bodies);
    - ii. the level of airport charges and fees applied in neighbouring airports which adopt the models defined by the Authority, giving evidence of the sources used (e.g. links to the websites of the charges of comparable managing bodies);
  - f) description of the application given to the methodology for airport charges calculation provided for under this Model B, with evidence of the main parameters used;
  - g) description of any proposal for simplification and bundling of regulated products;

h) description of any proposal of sub-classification of charges.

4. The managing body shall provide users with the following supporting documents, together with the Document:

- list of the services and infrastructure provided in the Base year in return for the collected fees and charges, that are subject to regulation (see reference 0);
- overview of the Regulatory accounting in the Base year, in computer-editable format, showing the overall structure of allowed costs and revenues of all the regulated products, as well as of non-regulated, non-relevant products and products pertaining to incentive activities, considered as a whole;
- explanatory report of traffic development estimates in the regulatory period, drawn up pursuant to the provisions of paragraph 7.1.2., elaborated in line with the most up-to-date developments expressed by sectoral organizations (Eurocontrol, IATA), together with an overview table of the service units provided for each year of the regulatory period and for each regulated product, to be attached also in computer-editable format;
- Action plan* that the managing body intends to implement, in the years of the regulatory period, drawn up in accordance with the provisions of paragraph 7.1.3, highlighting (i) nature of (public/private) financing sources, (ii) expected results from the most significant investment projects and from any technological innovations introduced by the Plan, having regard to their effects on airport capacity and service standards provided to users; (iii) expected impact of traffic on the use of main infrastructure and related sub-systems (e.g. stands, gates, loading bridges, security checks, etc.); (iv) with reference to the amounts for each investment, allocation to all the regulated and non-regulated, non-relevant products and products not pertaining to incentive activities, to be attached also in computer-editable format; (v) investment for which the managing body has applied for incremental remuneration pursuant to paragraph 13.1;
- Quality and environmental protection plan*, drawn up in accordance with the provisions of paragraph 7.1.4, with detailed information of the indicators identified and the relevant target values to be achieved in the regulatory period;
- information referred to in Part VI, Measure 28 (4) concerning incentive activities;
- any proposal for *Service Level Agreement* referred to in Part VII;
- explanatory report on the compliance with the principles laid down in paragraph 14.2 (1).

### **13.2 Information folder from the Airport managing body to the Authority**

- For the purpose of the verifications of the correct application of this Model, together with the transmission of the documents to the users, the airport managing body is required to send to the Authority, in computer-editable format, the following data and information:
  - regulatory base-year Accounting, drawn up in accordance with the measures referred to in Part V, including all the worksheets provided for therein and any additional worksheets connected thereto, with active formulas and allowing for reconstruction and verification of the calculation procedures;
  - accompanying report to the regulatory Accounting referred to under (a) that, in addition to giving evidence of the reconciliation with the financial statements, provides an appropriate description of the key criteria for the construction of the regulatory Accounting, with the associated cost allocation methods for regulated and non-regulated products, non-relevant products and products pertaining to incentive activities;
  - worksheets drawn up on the basis of the format under Annex 2, relating to the comparison referred to in paragraph 13.1 (3) (e), as well as to the evidence of compliance with the cost-orientation principle referred to in paragraph 14.2 ;

- d) any other item contributing to the determination of the regulated charges and fees, allowing for reconstruction and verification of the calculation procedures;
- e) concerning incentive activities, the information set out in Part VI, Measure 28 (4);
- (f) reconciliation statement referred to in paragraph 16.4;
- (g) economic and financial planning documents submitted to ENAC.

2. The Authority reserves the right to request additional information from the managing body, if it is deemed necessary for the performance of its functions.
3. Annex 2 is intended merely as a support to enable the Authority to carry out the verifications within its remit with regard to the compliance with this regulatory Act.
4. Without prejudice to the preceding paragraphs, the managing body shall submit the documentation referred to in paragraph 1 and paragraph 13.1 (3) also in PDF/A format.
5. Should the documents referred to in this paragraph (1), and in paragraph 13.1 (3), be transmitted with handwritten signatures for organisational reasons, the managing body shall transmit an unsigned copy thereof in computer-editable format.

#### Measure 14. Outcome of the consultation procedure

##### 14.1 Conclusion of the consultation procedure

1. Within 80 days at the latest, but at least 30 days after the consultation is launched, taking into account the requests for further inquiries and the positions expressed by users on individual issues, the managing body shall draw up the final proposal for the level of airport charges and related commitments, highlighting in a separate table the charges referred to in paragraph 27.6 (i) and (j), publish it on its website and officially declare that the consultation is closed, by giving simultaneous communication thereof to:
  - a) airport users;
  - b) for information, carriers' associations and airport managing bodies.
2. At the same time, through the format under **Errore. L'origine riferimento non è stata trovata.**, the managing body shall submit to the Authority the final proposal of the level of regulated airport charges and fees, together with:
  - a) any update of the information under Measure 1, compared to the information initially submitted;
  - b) comments submitted by users;
  - c) documentation produced by the managing body to justify the acceptance or refusal of users' comments;
  - d) full copy of the additional documentation produced by the managing body and users during the Procedure.
3. The airport managing body and the users may seek to conclude a Service Level Agreement, based on the proposal set forth in paragraph 13.1 (4) (k), in line with the principles set forth in Part VII, that shall be provided by the airport managing body in return for the collected fees, pursuant to Article 78 of Decree-law no 1/2012.
4. In order to provide for transmission by certified e-mail of the new level of airport charges and of the relevant date of entry into force to the parties that are in charge of updating IATA ticketing systems at

Italian travel agencies — without prejudice to Article 6.2 of Directive 2009/12/EC — the managing body shall wait:

- a) 20 days of the date of publication of the final proposal on the managing body's website, where no requests for dispute settlement have been addressed to the Authority (and, for information, to the managing body);
- b) 30 days of the date of publication of the final proposal on the managing body's website, where, within 20 days of that date, the Authority (and the managing body for information) have received requests for dispute settlement, but within the following 10 days the Authority has declared they are not receivable.

#### **14.2 Verifications by the Authority**

1. Within 40 days of receipt of the final proposal referred to in paragraph 14.1, the Authority:
  - a) taking into account the connection of the rights to the criterion of the effective value of the goods used by airport users, shall initiate the procedure for verification of the compliance with the following principles:
    - i) transparency, relevance, reasonableness;
    - ii) consultation of airport users;
    - iii) non discrimination;
    - iv) orientation of the airport charges to (i) the European average airport charges levied in airports with similar characteristics in terms of infrastructure, traffic and service standards and to (ii) the airport charges applied in neighbouring airports;
    - v) cost orientation, including through the preparation and submission to the Authority of an industrial plan aimed at ensuring the achievement of the economic equilibrium within a reasonable time frame.
  - b) shall publish the outcome of the above verification on its website, and inform the managing body accordingly.
2. The positive outcome of the verification referred to under 1 may be subjected by the Authority to the application of duly justified remedial measures by the managing body, imposed by the Authority in the general interest.
3. Upon implementation of the remedial measures which may be imposed by the Authority, the managing body, within the deadline set by the Authority, shall prepare and submit an amended charging proposal.
4. Following the receipt of the amended charging proposal referred to under (3), the Authority shall verify the application of the remedial measures and publish the results on its website.
5. Where the application of such remedies affects the level of charges for the regulatory period, the managing body shall make the necessary changes and any subsequent (positive or negative) adjustments in the manner laid down by the Authority, or referred by the Authority to the parties.

**14.3 Annual user consultation****14.3.1 Annual Information Document**

1. Unless otherwise agreed in the consultation, the managing body shall annually provide the airport users and their associations with appropriate information on the elements that have contributed to setting the dynamics of airport charges and fees for the current regulatory period.
2. From the first year of the regulatory period, the managing body shall publish on its website and transmit to the Authority, at the latest 4 months before the scheduled date of entry into force of the charges and fees for the following year, the *Annual Information Document*, containing the following information:
  - a) any update of the time schedule of the investments that are included in the charge, as technically approved by ENAC, in respect of the remaining years of the regulatory period as from the current year;
  - b) any urgent and immediate measures which, having been technically approved by ENAC, shall be carried out in the remaining years of the regulatory period as from the current year;
  - c) progress of the investments included in the charge (with separate evidence of the investments entered into operation and of the works in progress, all being differentiated into amounts relating to airport, ancillary, incentive and non-relevant activities) and of the related timetable;
  - d) level of quality and environmental protection indicators laid down in the year before the current year and assessed by ENAC, compared to the target values as included in the Quality and environmental protection plan approved by ENAC for the same year;
  - e) final balance of the service units of the previous year and comparison with the *ex ante* estimation for the same year;
  - (f) level of charges calculated for the following year.
3. The managing body shall also provide the Authority with:
  - (a) the updated reconciliation statement referred to in paragraph 16.4;
  - (b) the updated comparison of the airport charge levels referred to in paragraph 13.1 (3) (e).
4. The information referred to under (2) and (3) are made available to the Authority, with the same timing, on the basis of the updated format referred to in Annex 2.
5. Annex 2 is a mere supporting tool to enable the Authority to carry out the verifications within its remit with reference to the compliance with this regulatory Act.
6. Without prejudice to the provisions under each paragraph, the managing body shall submit the documentation referred to in (1) and (2) also in PDF/A format.
7. If, for organisational needs, the documents referred to in (1) and (2) are transmitted with handwritten signatures, the managing body shall transmit an unsigned copy thereof in computer-editable format.

**14.3.2 Annual consultation on the proposal for airport charges review**

1. On the basis of the documents published by the managing body referred to in paragraph 14.3.1 (2), the users may submit, by CEM, to the managing body and for information to the Authority, within the following 25 days, written observations and requests for further information on specific issues.
2. The managing body shall, by 30 October of each year:
  - (a) forward to the Authority the documentation justifying the acceptance or rejection of the observations made by the users;

- b) publish on its website the level of the applicable charges in the new year, providing also for its transmission, by CEM, to the entities that are in charge of updating IATA ticketing systems at Italian travel agencies, without prejudice to the provisions of Article 6 (2) of Directive 2009/12/EC.

## **Misura 15. Supervisory activities**

### **15.1 General principles**

- 1. As regards, in general, the Authority's supervisory activities, where necessary and without prejudice to the provisions of paragraph 15.2, the provisions of Measure 9 set out in Model A shall apply.

### **15.2 Dispute settlement**

- 1. The majority of airport users, i.e. representatives of carriers including at least 50% of the WLU achieved in the last two IATA seasons for which data are available, may address the Authority, within 20 days of publication of the final proposal by the managing body, by filing a reasoned and documented application against the managing body's proposal of regulated airport charges and fees.
- 2. In the case of submission of the application, the system or level of charges covered by the final proposal shall not be effective until the Authority has delivered its decision.
- 3. In order to be receivable, the application shall:
  - a) include the information and documents requested in the form under 0;
  - b) be submitted by the users that made written remarks pursuant to the provisions under paragraph 1.1.1 (5);
  - c) contain the specific reasons for disagreement on the proposal, for which an action by the Authority is requested.
- 4. Within 10 days of receipt, the Authority shall provide for dismissal of the applications that are not receivable pursuant to the preceding paragraphs, as well as of those that are clearly unfounded as they do not meet the factual and legal requirements, or are openly instrumental to the postponement of the entry into force of the airport charges system or level. Any dismissal shall be communicated to the managing body and to the applicants.

#### **15.2.1 Launch of dispute resolution procedure**

- 1. The Authority shall verify that the application is receivable and, within 10 days of its receipt, it shall inform the parties, by certified email, of the initiation of the dispute resolution procedure, which will consequently take up the verification referred to in paragraph 14.2.
- 2. The notice shall include the following:
  - a) date on which the application was filed;
  - b) subject-matter of the procedure;
  - c) office where the documents may be examined;
  - d) person responsible for the procedure;
  - e) deadlines by which the interested parties may produce memorandums and documents;

- f) closing date of the procedure, in accordance with the provisions of article 11 (7) of Directive 2009/12/EC.
- 3. Together with the notice referred to above, the Authority shall send to the party concerned a copy of the application that has been received, including its annexes that are not yet available to the party.
- 4. If it is considered necessary, the Authority may:
  - a) request the parties to supplement the information by providing written reports on specific issues or additional documents, with an explicit warning of the penalties that may be imposed in case of non-reaction or untrue communications;
  - b) convene a hearing with the parties, in order to obtain their positions or other useful information for the preliminary examination of the procedure.

#### **15.2.2 Access to documents**

- 1. The documents that are lodged or acquired during the procedure shall, as a rule, be accessible to the parties to the procedure.
- 2. By filing an appropriate request setting out the reasons for secrecy or confidentiality pertaining to the protection of its legal position, the party concerned is responsible for requesting, at the time when the above reasons are filed or, for documents obtained *ex officio*, within 5 days of communication of the notice of preliminary inquiries, that certain documents, in full or in part, be excluded from access.
- 3. By substantiated decision, the Authority shall balance the needs of transparency with those of secrecy and confidentiality in compliance with the exercise of the right of defence.

#### **15.2.3 Provisional decision**

- 1. Within 4 weeks of the date of receipt of the request, the Authority shall adopt a provisional decision concerning the entry into force of the airport charges, unless a final decision is made on the dispute within the same period.
- 2. Pending the adoption of the provisional decision by the Authority, and in any case until the date set for the entry into force of the new charges, the charges payable by the managing body shall be those in force during the consultation.

#### **15.2.4 Decision on the dispute**

- 1. The dispute resolution procedure shall be settled by a decision of the Authority within 4 months of the date of receipt of the request. For justified needs related to the preliminary inquiry, the deadline may be extended by 2 additional months.
- 2. The Authority's decision shall:
  - a) state the relevant reasons thereof;
  - b) pursue the objectives set out in Article 80 of Decree-law no 1/2012 and Article 37 of Decree-law no 201/2011;
  - c) be oriented towards bringing the level of charges or the charging system into line with the principles and criteria underlying this Regulatory act and/or removing access conditions that the Authority considers as restricting or hindering competition or discriminating against users;

- d) include the outcome of the verifications referred to in paragraph 14.2.
- 3. The decisions adopted by the Authority and the reasons therefor shall be notified to the parties concerned and published on the Authority's website.
- 4. The dispute settlement measure may be appealed before the administrative courts.

#### **15.2.5 Obligations of the managing body**

- 1. Upon the date of entry into force set by the Authority, the managing body shall update the level or system of airport charges, taking into account the decision referred to in Measure 15.2.4.
- 2. The managing body shall publish on its website the new level of airport charges, that is set in accordance with the Authority's decision, and shall ensure the implementation of any necessary actions for the provision of information to the Authority, as well as for the transmission of the new level of airport charges and of the relevant date of entry into force, by certified e-mail, to the parties that are in charge of updating IATA ticketing systems at Italian travel agencies, without prejudice to the provisions of Article 6.2 of Directive 2009/12/EC.
- 3. The redetermination of the new level of charges shall take into account any (positive or negative) balance which, from the date of entry into force referred to under 2 above and to be applied to the remaining part of the regulatory period, shall be recovered or repaid by the managing body to align revenues to allowed costs.
- 4. The above balance shall be determined by the difference between:
  - a) the revenues already accrued, as resulting from the application of the preliminary level of charges to actual traffic in the period between: (i) the date identified by the managing body for the entry into force of the new level of charges following the initial user consultation, and (ii) the date referred to in paragraph 2;
  - b) the revenues actually payable, as resulting from the application, to the same traffic and in the same period, of the level of charges resulting from the Authority's decision under paragraph 15.2.4.
- 5. The above balance is increased by an interest rate that is consistent with the rate determined by the Authority for the return on debt capital for regulated products, against the late receipt of the amounts receivable and not yet received (by the airport managing body) or against the holding time of the amounts received and not receivable (by the airport users).
- 6. At the first annual hearing carried out in accordance with paragraph 14.3.2, and in the context of the *Annual Information Document*, the managing body shall provide airport users with comprehensive and documented information on the arrangements for recovery or refund of the balance as defined above.

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#### **Measure 16. Methodology of charge calculation in the regulatory period**

##### **16.1 European benchmark of the level of airport charges**

- 1. For the purpose of comparing the level of the airport charges applied, the managing body shall identify a sample of EU airports with similar infrastructure, traffic characteristics and standards of service rendered. For each of the airports included in the sample, the managing body shall identify the services that are deemed most representative with respect to its supply.
- 2. The information referred to in paragraph 1 shall be made available to the Authority on the basis of the

the form set out in Annex 2.

#### **16.2 Comparison of the level of airport charges with neighboring airports**

1. For the purpose of comparing the level of the airport charges applied, the managing body shall identify neighboring airports that adopt the models defined by the Authority. For each of these airports, the managing body identifies the services that are deemed most representative with respect to its supply.
2. The information referred to in paragraph 1 shall be made available to the Authority on the basis of the form under Annex 2.

#### **16.3 Dynamics of charges**

1. The managing body develops the dynamics of charges having regard to all the regulated services provided.
2. The managing body develops the charging proposal of the first year of the regulatory period on the basis of the comparisons referred to in paragraphs 16.1 and 16.2, also considering:
  - (a) the need for compliance with cost orientation within a reasonable timeframe, usually corresponding to the duration of the regulatory period;
  - (b) the principles set forth in Article 80 of Decree Law 1/2012.
3. With reference to the dynamics of charges for the following years, the managing body calculates the level of charges and fees for the regulatory period starting from the charging proposal referred to in paragraph 2, based on:
  - (a) the planned inflation rate as reported in the latest available EFD. Where the available data do not cover the entire duration of the regulatory period, the managing body may refer to the figure of the last available year, to be used as an estimate of the figure for the remaining years of the period;
  - (b) in order to avoid any overcompensation, the traffic forecasts for the regulatory period referred to in paragraph 13.1 (4) (c).
4. The duration of the regulatory period for setting the dynamics of charges shall be defined in line with the Action plan and the Quality and environmental protection plan approved by ENAC and may not exceed 5 years.
5. With regard to the treatment of commercial margins (CM), the provisions of paragraph 10.8 of Model A shall apply to the applicable extent.
6. For the purposes of the cost orientation referred to in paragraph 2, the managing body shall prepare a reconciliation statement of revenues and costs pertaining to the Base year, Bridge year and each year of the regulatory period.
7. The information referred to in paragraph 6 shall be made available to the Authority on the basis of the form set out in Annex 2.
8. Without prejudice to the preceding paragraphs, the managing body shall submit the documentation referred to in this paragraph also in PDF/A format.
9. If, for organisational needs, the documents referred to in this paragraph are transmitted with handwritten signatures, the managing body shall transmit an unsigned copy thereof in computer-editable format.

**16.4 Reconciliation statement**

1. The reconciliation statement of revenues and costs referred to in paragraph 16.3 (6) shall contain at least the following information:
  - (a) estimated value of production having regard, *inter alia*, to the dynamics of charges referred to in Measure 16.3 and the traffic forecasts referred to in paragraph 13.1 (4) (c);
  - (b) operating costs net of estimated depreciation charges;
  - (c) depreciation, calculated having regard to paragraph 10.3;
  - (d) net invested capital, calculated having regard to paragraph 10.2;
  - (e) return on net invested capital, having regard to paragraph 10.5;
  - (f) amount of investments, calculated having regard to paragraph 13.1 (4) (d)
  - (g) volumes of passenger traffic, freight, mail and movements, calculated having regard to the traffic forecasts referred to in paragraph 13.1 (4) (c).
2. The information referred to under (1) are processed having regard to:
  - (a) total regulated services pursuant to Decree-law no 1/2012 and total assets;
  - (b) for the Base year, actual data processed based on the information referred to in Part V.
3. The information referred to in paragraph 1 shall be made available to the Authority on the basis of the form set out in Annex 2.
4. Without prejudice to the preceding paragraphs, the managing body shall submit the documentation referred to in this paragraph also in PDF/A format.
5. If, for organisational needs, the documents referred to in this paragraph are transmitted with handwritten signatures, the managing body shall transmit an unsigned copy thereof in computer-editable format.

**16.5 Final proposal of charge dynamics and annual monitoring**

1. For the purposes of the annual consultation referred to in paragraph 14.3, the managing body shall update the charges by applying the planned inflation rate for year  $t+1$  on the basis of the latest available EFD. Where the available data do not cover year  $t+1$ , the managing body may refer to the figure of the latest available year, to be used as an estimate of the figure for the remaining years of the period.
2. The managing body shall therefore transmit to the Authority the updated form set out in Annex 2, by reporting, where available, the actual data.
3. Without prejudice to the preceding paragraphs, the managing body shall submit the documentation referred to in this paragraph also in PDF/A format.
5. If, for organisational needs, the documents referred to in this paragraph are transmitted with handwritten signatures, the managing body shall transmit an unsigned copy thereof in computer-editable format.

**Measure 17. Structure of the charge****17.1 Sub-classification of charges**

1. The provisions of paragraph 11.1 of Model A shall apply to the applicable extent.

## **17.2 Bundling of regulated products**

1. The provisions of paragraph 11.2 of Model A shall apply to the applicable extent.

**PART IV Regulatory principles and criteria for airport networks and systems****Measure 18. Purpose of the regulatory action**

This Part sets out the principles to be adopted for the implementation of a common and transparent charging system to be applied to an airport Network or System (hereinafter also System), consisting of a bundling of airports.

**Measure 19. Airport networks: Procedures for the review of airport charges****19.1 Scope**

1. Pursuant to the provisions of Articles 71 to 82 of Decree-law no 1/2012 transposing Directive 2009/12/EC into domestic legislation, and, in particular, with reference to article 74 (2), the principles and criteria set out in this Part are applicable to an airport Network consisting of a group of airports that is designated as such by a Member State and is managed by the same airport manager.
2. The principles and criteria set out in this Part are designed to ensure that the charges applied to the users of the airport Network comply, in accordance with the principles laid down in Article 80 (1) of Decree-law no 1/2012, with the objectives of territorial cohesion indicated for "airport Networks" under Recital 5 of Directive 2009/12/EC.

**19.2 Procedure for requesting the application of a common and transparent airport charging system to the whole airport Network**

1. The managing body of an airport network in the Italian territory, that is designated as such by a decree of the Ministry of Infrastructure and Transport, in agreement with the Minister of Economy and Finance, upon the opinion of the Joint Conference, may submit to the Authority a request for authorisation to introduce a common and transparent airport charging system that is applicable to the whole airport Network. The request is filed in accordance with the scheme/form under 0, by specifying, in particular, the "main airport" of the Network, i.e. the airport which, among the Network airports, has recorded the highest traffic volume (in terms of annual passengers); this is assessed *ex post* on the basis of the average annual passengers carried over the last 5 years, for which data are available.
2. Following the request referred to under 1, the Authority acquires from the competent Ministries the preliminary findings underlying the Network designation, which are necessary both to authorise the introduction of a common and transparent charging system on the whole network, in accordance with Article 74 (2) of Decree-law no 1/2012, and to verify the compliance with the relevant model of the associated airport charges proposal.

**19.3 Procedure for the review of airport charges**

1. Without prejudice to the specifications under paragraph 19.2, the provisions of measure 6 of this Model A shall apply; these measures shall apply to the managing body of the airport Network and involve the users of this network.

**19.4 Information provided by airport managing body and air carriers****19.4.1 General principles**

1. The provisions of 0of Model A shall apply; these paragraphs shall apply to the managing body of the airport Network and involve the users of this network.

**19.4.2 Information to be provided by the managing body to users**

1. All the information in the *Consultation document* referring to the airport Network and related to:
  - levels and timeline of airport charges and fees;
  - overview of the regulatory Accounting in the Base year, in computer-editable format, which shows the overall structure of the eligible costs and revenues of each single regulated product - prior to the application of any proposals for bundling, basket and/or unbundling of services - as well as of non-regulated, non-relevant products and products pertaining to the incentive activities considered as a whole, with separation of the eligible costs and revenues relating to General Aviation, if there are services or infrastructure dedicated to General Aviation or differentiation of charges;
  - description of any proposals for simplification and bundling of the regulated services as provided;
  - description of any proposal for basket of charges;
  - description of any proposals for sub-classification of charges;
  - list of the services and infrastructure provided in the Base year in return of the collected airport charges and fees, that are subject to regulation;
  - action plan to be implemented by the managing body throughout the regulatory period;
  - quality and environmental protection plan;
  - report on airport capacity, and on the level of service (LoS) of the main airport infrastructure and facilities;shall be specified for each airport, so as to ensure compliance with the principle of transparency laid down in Article 77 of Decree-law no 1/2012.
2. Any residual information compared to the information under paragraph 7.1.1 (2) and (3) of Model A shall be provided at the Network level.
3. With respect to the notional transfer items referred to in paragraph 21.4, the managing body:
  - (a) explains to the users the notional transfer items and their impact on charges and fees;
  - (b) agrees with the users, in the consultation, on the modalities for the annual adjustment of such items.
4. Traffic forecasts shall be presented both for each individual airport and for the airport Network as a whole.
5. The Action plan shall be drawn up for each individual airport, together with a summary for the airport Network as a whole.

6. The Quality and environmental protection plan shall be submitted for each individual airport, together with a summary for the airport Network as a whole.

#### **19.4.3 Information to be provided by the carrier**

1. All information shall be submitted for each individual airport, together with a summary for the airport Network as a whole.

#### **19.5 Outcome of the consultation**

1. The relevant provisions under Measure 8 of Model A shall apply; these measures shall apply to the managing body of the airport Network and shall involve the users of this Network.
2. The final proposal on the level of airport charges and related commitments shall be submitted by the network managing body at the level of each airport.

#### **19.6 Annual monitoring of quality and investment**

##### **19.6.1 General principles**

1. The relevant provisions under paragraph 8.2 of Model A shall apply; these paragraphs shall apply to the managing body of the airport Network.

##### **19.6.2 Monitoring of investment**

1. The required documents shall include detailed information for each airport together with a summary for the airport Network as a whole.

##### **19.6.3 Monitoring of quality**

1. The required reporting shall include detailed information for each airport together with a summary for the airport Network as a whole.

#### **19.7 Supervisory activities**

1. The provisions of Model A shall apply.

### **Measure 20. Airport Networks: Costing**

#### **20.1 Methodology of calculation of charges in the regulatory period**

1. The provisions of paragraphs from 10.1 through 10.8 of Model A as well as the provisions of Part V of this Regulatory act shall apply; these paragraphs shall apply at the level of each airport, with the specific features set forth in paragraph 20.2; in addition, with reference to the mechanism of traffic risk sustainability, the provisions of paragraph 10.10 shall apply at the level of the entire Network.

**20.2 Rate of return on invested capital**

1. For the rate of return on net invested capital, that is determined by the method of the weighted average cost of invested capital (WACC), the provisions of paragraph 10.5 of Model A shall apply.
2. As regards the possible temporary application of limited measures to increase WACC, the provisions of paragraph 10.6 of Model A shall apply.

**Measure 21. Airport networks: Pricing****21.1 Products subject to charge regulation**

1. The provisions of Measure 11 and paragraph 1.1 of Model A shall apply; these paragraphs shall apply at the level of each airport concerned in accordance with the specific features set out in the following paragraphs.

**21.2 Targeted productivity from efficiency improvement**

1. With reference to the formula for the review of airport charges referred to in paragraph 10.1.2 of Model A. L'origine riferimento non è stata trovata., concerning the dynamics in the period of the operating costs allowed in the Base year, the parameter referred to in paragraph 10.1.4 is the single annual coefficient of productivity improvement for the airport Network, that is applicable in each year of the regulatory period to each airport of the network.
2. The annual value of  $\pi_e$  is determined pursuant to the provisions of paragraph 10.1.4 of Model A, as an average of the  $\pi_e$  of each airport that is part of the Network, as weighted on the basis of the relevant operating costs that are allowed in the Base year.
3. If one of the Network airports falls within the scope of Model B, the annual value of  $\pi_e$  shall be determined on the basis of the provisions of paragraph 10.1.4 (6) concerning the airports referred to in Model A.

**21.3 Treatment of the margin arising from ancillary activities of the airport Network**

1. With regard to paragraph 10.8 of Model A, the treatment of the commercial margin (CM) resulting from the ancillary activities shall be applied by the managing body taking into account all the airports constituting the Network.

**21.4 Modulation of charges of the airport Network**

1. Having defined and reported in the consultation, the unit fee for year t for each of the single regulated services rendered and for each airport (as described in paragraph 1.1 of Model A) of the airport Network, the airport managing body (in line with the services provided referred to in Measure 11 of Model A) may propose during the consultation a modulation of the charges for the airports that are part of the Network, by applying a system to mutualise the costs between the airports, by means of appropriate notional items transferring part of the revenue pertaining to each of the regulated services that are rendered.

2. The Network managing body may therefore provide *ex ante*, for each year of the regulatory period, for each regulated service that is rendered and for each airport, for the use of positive or negative notional transferring item, provided that the principle of economic and financial neutrality within the regulatory period and overall at the level of the airport Network is complied with.
3. The network managing body shall provide users with adequate qualitative and quantitative information concerning the purposes which, in line with relevant ministerial guidelines, it intends to pursue with the modulation of charges submitted to consultation.
4. In any case, the inter-airport modulation proposed by the network managing body for each regulated service rendered shall comply with the following constraint: in order to ensure the economic and financial neutrality of the system, the revenue resulting from the application of the airport charges to the entire Network, as discounted over the entire regulatory period and determined on the basis of the above-mentioned costing and pricing criteria and in correlation with traffic volume forecasts, shall be equal to the total corresponding revenue of each airport that is discounted over the entire regulatory period and determined on the basis of the modulation referred to in this Measure.
5. For the purpose of the modulation of charges, the network managing body shall determine *ex ante* the transferring notional items for each regulated service rendered ( $PFT_{t,i,j}$ ), whether positive or negative, that each  $i$ -th airport receives/pays in year  $t$  to the  $j$ -th airport, on the basis of the decisions of the managing body.
6. The Authority reserves the right to assess the charges of the Network airports and the related transferring notional items  $PFT_{t,i,j}$ , as determined following the consultation, in order to verify their reasonableness in accordance with the principle of cost containment for users.
7. In order to provide adequate transparency of the system of airport charges modulation, the network managing body shall also provide, in the stage of consultation for the review of airport charges, and on the basis of the following table, annual reports to provide evidence, for each regulated service rendered, of both the total transferring notional items that each airport shall annually pay to/receive from the Network, and of the total transferring notional items that each airport shall annually pay to/receive from any other airport of the Network:

Airport	Airport 1	Airport 2	...	Airport m	Total $PFT_{j,i}$
Airport 1	0	$PFT_{1,2}$		$PFT_{1,m}$	$PFT_{1,2} + \dots + PFT_{1,m}$
Airport 2	$PFT_{2,1}$	0		$PFT_{2,m}$	$PFT_{2,1} + \dots + PFT_{2,m}$
...					
Airport n	$PFT_{n,1}$	$PFT_{n,2}$		0	$PFT_{n,1} + PFT_{n,2} + \dots$
<b>Total <math>PFT_{i,j}</math></b>	$PFT_{2,1} + \dots + PFT_{n,1}$	$PFT_{1,2} + \dots + PFT_{n,2}$			$PFT_{1,m} + PFT_{2,m} + \dots$

8. The documentation referred to under 7 is provided by the managing body on the basis of the form in Annex 2.
9. On the basis of the annual unit charge relating to each regulated service provided by each Network airport, that has been re-determined on the basis of the requirements set out under (4), the network managing body, in accordance with the services provided by the airport managing body referred to under Measure 11 of Model A and at equal total income, shall determine the airport charges pertaining to all categories of sub-classifications or charge modulation related to each regulated service rendered or bundling/basket thereof as defined below.
10. For each regulated service that is provided by the managing body and for each airport - or any bundling thereof, resulting from the application of the pricing systems set out below - the calculation of the unit charge of reference for each year of the regulatory period shall be followed by the modulation or sub-classification of the charge, if any, to be carried out by the network managing body, taking into account that, for the average charge  $C_{t,j}$  of i-th airport for year t, the following relation shall apply:

$$C_{t,j} = \frac{\sum_{k=1}^l (p_k^t \cdot q_k^t)}{\sum_{k=1}^l q_k^t}$$

where  $p_k^t$  and  $q_k^t$  are the unit charges and production volumes of service units, respectively, as estimated *ex ante* and relating to the quantities belonging to the k-th of l categories of sub-classification or charge modulation related to each regulated service rendered by the managing body or bundling thereof, in year t.

11. For each of the above-mentioned components (charges, volumes and transferring notional items) adequate evidence shall be provided to the Authority for the purpose of the compliance test on the managing body's proposed charges.
12. In any case, the Authority reserves the right to verify that the overall average of modulated charges of the Network airports, that is weighted on the basis of the traffic volumes of each airport and discounted, is aligned with the overall average of the charges calculated on the basis of Model A with reference to the Network airports, which is also weighed on the basis of the traffic volumes of each airport and discounted.

#### **21.5 Bundling of regulated services provided by the managing body**

The provisions of paragraph 11.2 of Model A shall apply; this paragraph applies at the level of each airport concerned.

#### **21.6 Basket and Modulation of charges**

The provisions of paragraph 11.3 of Model A shall apply; this paragraph applies at the level of each airport concerned.

## Measure 22 Airport Networks: monitoring and annual adjustment

### 22.1 Monitoring and annual adjustment

The provisions of paragraph 1.1, with specific reference to the parts concerning monitoring and annual adjustment in the regulatory period, as well as the provisions of paragraphs 10.10 and 10.11 of Model A shall apply; these paragraphs apply at the level of each airport concerned.

## Measure 23. Airport systems: Procedures for the review of airport charges

### 23.1 Scope of application

1. Pursuant to the provisions of Articles 71 through 82 of Decree-law no 1/2012 transposing Directive 2009/12/EC into domestic legislation, as amended by Article 10 of Law no 37/2019, and with reference to Article 74 (3), the principles and criteria set out in this Part shall apply, for reasons of traffic distribution, to each System.

### 23.2 Request for application of a common and transparent airport charging system

1. For the application of the common charging system to the airports included in the System, a request shall be submitted to the Authority, according to the scheme/format in Annex 10, no later than 60 days before the scheduled date of initiation of the user consultation procedure.
2. The request referred to under 1 shall be accompanied by the necessary documents<sup>7</sup> to enable the Authority to verify, no later than 30 days of its receipt, for the purpose of the application of a common and transparent charging system to the airports serving the same city or urban area, the compliance with the criteria set out in article 80 of Decree-law no 1/2012, with reference to the traffic distribution objectives to be achieved.
3. Without prejudice to the procedure for verification of the correct application of the measures set out in this Model, in case of a positive assessment of the request by the Authority, the managing body of the airport System shall initiate the procedure referred to from paragraph 23.3 to paragraph 23.7 for the review of the airport charges to be applied to the airport System, by filing an application to launch the user consultation in accordance with the scheme/format set out in Annex 11.
4. Following the verification procedure on the correct application of the measures set out in this Model, the Authority shall inform the European Commission, the Ministry of Infrastructure and Transport and the Ministry of Economy and Finance about the allowed application of a common and transparent pricing system.

<sup>7</sup> For this purpose, in accordance with the measures concerning the regulation of airport Systems, the documentation attached to the request must include the airport system traffic distribution Plan, as well as the documents provided for in the relevant Models for individual airports concerning in particular:

- the costing models (paragraphs 10.1 through 10.8 of Model A and Part V) for each individual airport included in the airport System
- the pricing model (paragraphs 10.9 and Measure 11 of Model A) to be applied to the airport System.

### **23.3 Procedure for the review of airport charges**

1. The provisions concerning the airport Networks under paragraph 19.3 shall apply; this paragraph shall apply to the managing body of the airport System with the involvement of the users of such System.

### **23.4 Information to be provided by the managing body and the carriers**

1. The provisions concerning the airport Networks under paragraph 19.4 shall apply; this paragraph shall apply to the managing body of the airport system with the involvement of the users of such system.

### **23.5 Outcome of the consultation**

1. The provisions concerning the airport Networks under paragraph 19.5 shall apply; this paragraph shall apply to the managing body of the airport System with the involvement of the users of this system.

### **23.6 Annual monitoring of quality and investment**

1. The provisions concerning the airport Networks under Oparagraph 19.6 shall apply; this paragraph shall apply to the managing body of the airport System with the involvement of the users of such system.

### **23.7 Supervisory activities**

1. The provisions concerning the airport Networks under paragraph 19.7 shall apply.

## **Measure 24. Airport systems: Costing**

### **24.1 Costing**

1. The provisions under the paragraphs of Measure 20 shall apply to the airport System.

## **Measure 25. Airport systems: Pricing**

1. The provisions under the paragraphs of Measure 21 shall apply to the airport System.

## **Measure 26. Airport systems: monitoring and annual adjustment**

### **26.1 Monitoring and annual adjustment**

1. The provisions under the paragraphs of Measure 22 shall apply to the airport System.

## Part V Regulatory accounting

### Measure 27. Regulatory accounting and other documents

#### 27.1 General background

1. Each airport managing body shall annually prepare and submit to the Authority the regulatory Accounting consisting of the accounting formats referred to under paragraph 27.2.2, by providing evidence of the total reconciliation with the financial statements:
  - a) no later than 30 days of the date of approval of the financial statements,
  - b) no later than 60 days of the date of approval of the financial statements in the case of adjustments to the regulatory Accounting, certified by auditing firms, referred to in Measure 10.1 (1) (b).
2. This obligation applies to companies established both in Italy and abroad.
3. The airport managing body drawing up the financial statements on the basis of IAS/IFRS principles is required to reclassify the financial statements in accordance with the Italian GAAP and then reconcile the financial statements with the regulatory Accounting statements in accordance with paragraphs 27.3.1 and 27.3.2 as a part of the accompanying report. The balance sheet values later included in the income statements and balance sheets indicated in paragraph 27.2.2 (1) (d), (e) and (f) will, therefore, be consistent with the aforesaid reclassification.
4. The airport managing body carrying out ancillary, incentive and non-relevant airport activities, as defined under paragraph 27.4, through relations with subsidiaries, shall draw up the accounting formats by applying the drafting criteria and principles of the consolidated financial statements.
5. The accounting formats referred to in paragraph 27.2.2 (d), (e), (f), (a) and the report under paragraph 27.2.3 shall be certified by the entity in charge of the audit of the airport managing body, in compliance with the provisions under article 2409bis of the Civil Code; this certification must attest to the compliance of the above-mentioned documents with the Authority's models.
6. The Authority may request additional information, which the managing body is required to provide by the deadline specified by the Authority.

#### 27.2 List of documents

##### 27.2.1 General principles

1. The annual certified regulatory accounting dossier which the managing body is required to provide to the Authority consists of the accounting schemes referred to under Annex 3.
2. The accounting schemes in Annex 3 also apply to airports that are required to apply Model A and with traffic of less than 5 million passengers per year.
3. For the managing bodies subject to Model B, simplified accounting schemes are provided for in Annex 4.

## 27.2.2 Accounting schemes

1. The accounting schemes shall be drawn up in computer-editable format and be digitally signed, on the basis of the tables listed below:
  - a) Table of characteristic parameters of the terminal ("general");
  - b) Table of technical, traffic and quality data ("technical, traffic and quality");
  - c) Table of actual vs planned investments and ordinary maintenance ("investments, maintenance");
  - d) Table of regulatory Accounting and reconciliation with annual financial statements, based on cost/revenue centres and income statement items ("Income statement accounts");
  - e) Summary table of regulatory Accounting and reconciliation with annual financial statements, based on cost/revenue centres and balance sheet items ("Balance sheet accounts");
  - f) Detailed table of income statement and balance sheet items relating to centralised infrastructure and goods for exclusive use ("centralised infrastructure, GEU");
  - g) Detailed table of income statement and balance sheet items relating to individual terminals, if subject to modulation of charges;
  - h) detailed table of income statement items relating to incentive activities ("Incentive activities");
  - i) Summary table of traffic incentive and development policies ("Incentives").

## 27.2.3 Regulatory accounting methodology and reporting

1. The managing body shall draw up a document specifying the procedures for regulatory accounting reporting.
2. In particular, the document shall include at least the following:
  - a) description of logical model of the analytical Accounting system with evidence of the methodology to allocate the income statement and balance sheet items to cost centres in compliance with accounting separation (e.g. full costing, ABC, etc.);
  - b) description of system environment/architecture used for the management of cost centres;
  - c) detailed indication and description of accounting methodologies of the adopted income statement and balance sheet items, updated evaluation criteria, allocation criteria, allocation criteria and drivers used, with reference to each item specified in the regulatory Accounting;
  - d) accounting separation criteria adopted in the identification of cost and revenue centres indicated in the regulatory Accounting schemes, accompanied by explanatory comments and descriptions of services included, underlying assets, and any changes in methodology or perimeter compared to the previous year;
  - e) description of intra-group items with evidence of the methodology for updated evaluation and consolidation criteria, in compliance with the provisions of paragraph 27.4;
  - f) detailed information on incentives, as specified under Part VI of this regulatory Act.
3. The document on regulatory accounting methodology and reporting shall be accompanied by a "*Report on the verification of the outcome of the regulatory accounting system*", that is drawn up by an

independent audit firm and attests the compliance of the above-mentioned document with the provisions of this Part V.

### **27.3 General criteria for eligibility of costs**

1. The eligibility of operating and capital costs for regulatory purposes, as regulated in this regulatory Act, is subject to the compliance with the following general criteria:
  - a) relevance: costs and other negative economic components shall be considered eligible if, and to the extent that, they are related to airport, additional, non-relevant and incentive activities referred to under paragraph 27.4;
  - b) reasonableness, causality, objectivity, proportionality: costs and other negative economic components are considered eligible if, and to the extent that, it is verified that they are proportional for the pre-established purposes. The proportionality is assessed on a case-by-case basis, with respect to planned targets, historical patterns and impact of multi-annual commitments in the regulatory period, as well as to the price charged for goods or services that are transferred in a comparable market transaction under comparable circumstances;
  - c) accrual basis: costs and other negative economic components are eligible if they are related to the relevant accrual period;
  - d) allocation to income statement: operating costs and other negative economic components are eligible if, and to the extent that, they are allocated to the income statement of the relevant accrual period, without prejudice to the specific eligibility criteria referred to under paragraph 27.3.1 and 27.3.2;
  - e) separation: the different elements included in the individual cost items shall be reported separately;
  - f) comparable values: values reported in the regulatory Accounting documents shall be comparable with the items included in the charging dynamics under Annex 2;
  - g) verifiable data: costs indicated in the regulatory Accounting documents shall be verifiable through reconciliation with the data from general Accounting and financial statements or consolidated financial statements, in the case of activities carried out by subsidiaries.

#### **27.3.1 Eligibility of operating costs (OpEx) in the Base year**

1. Without prejudice to the provisions under this Measure, for the determination of the operating costs, eligible for regulatory purposes are the costs that may be entered under item B. Costs of production (6. for raw materials, consumables and goods; 7. for services; 8. for use of third-party assets; 9. for personnel; 11. for changes in inventories of raw materials, consumables and goods; 14. for different operating charges) of Article 2425 of Civil Code, or similar items in the case of adoption of IAS/IFRS international accounting standards.
2. These costs must be assessed net of any adjusting items (e.g. capitalisations for internal work or changes in inventories, reimbursements or compensation), as well as before the use or release of previously accrued provisions.
3. The following costs represent non-relevant charges, that may be allocated in the accounting schemes neither to airport activities nor to ancillary activities:

- a) costs of any kind arising from non-compliance with rules and regulations;
- b) provisions of any kind;
- c) financial charges;
- d) taxes (except for the share of the regional tax on productive activities (Imposta Regionale sulle Attività Produttive - IRAP) pertaining to labour cost, and local taxes);
- e) costs related to donations;
- f) insurance charges not required by law;
- (g) court charges in which the party was unsuccessful;
- h) costs which, in the light of the criterion of relevance, are not attributable to the ordinary production process of services/activities provided to airport users at the airport.

4. The amount of these cost items shall be reported in the table of reconciliation with the results of the financial statements of the year coinciding with the Base year.
5. The charges borne by the airport managing body in respect of services to third parties that are directly charged thereto, shall be reported in the "non relevant" section referred to in paragraph 27.4, as they do not contribute to the definition of the costs that are attributable to the regulated products.

### **27.3.2 Eligibility of capital costs (CapEx) in the Base year**

1. Without prejudice to the provisions under (2), for the determination of the fixed assets to be assumed for the purpose of valuing the net invested capital, referred to under paragraph 10.2, eligible for regulatory purposes are the costs that may be entered under items B-I (1. formation expenses; 2. development costs; 3. industrial patent rights and rights to use intellectual property; 4. concessions, licences, trademarks and similar rights; 6. assets under construction and payments on account; 7. others) and B-II (1. land and buildings; 2. property, plant and equipment; 3. industrial and commercial equipment; 4. other assets; 5. assets under construction and payments on account) of Article 2424 of the Civil Code, or similar items in the case of adoption of IAS/IFRS international accounting standards.
2. The following costs represent non-relevant charges, which therefore may not be allocated in the accounting scheme either to airport or to ancillary activities:
  - a) capitalised borrowing costs;
  - b) goodwill (item B.I (5) of Article 2424 of the Civil Code, subject to the provisions of paragraph 3.
3. For the allocation of goodwill, with respect to ancillary activities only, the relevant value must have been recognised for regulatory purposes prior to the entry into force of this regulatory Act.
4. Capital costs concerning investments made in year t that, as a result of the annual monitoring activity conducted by ENAC in year t+1, should prove not to comply with the regulatory framework in force, shall be entered in the regulatory Accounting of year t+2 as non-relevant assets.

### **27.4 Accounting separation**

1. Accounting separation is the necessary tool to achieve transparency and a proper allocation of income statement and balance sheet items of the airport management to services. Starting from its analytical Accounting, the airport managing body shall draw up the accounting schemes provided for under this regulatory Act, in accordance with the following principles.

2. The airport managing body shall adopt accounting systems based on analytical, verifiable and documentable data, capable of identifying the income statement and balance sheet items separately for each activity, as if these were carried out by separate and independent companies.
3. Airport management companies that are subject to consolidated financial statements pursuant to legislative decree no. 127 of 9 April 1991 shall draw up consolidated income statement with respect to all the companies included in the scope of consolidation.
4. The regulatory accounting of the managing body shall be laid down for a careful and precise identification of the income statement and balance sheet items to be directly attributed to the activities, limiting the use of indirect allocation processes as much as possible.
5. The income statement and balance sheet items of each activity carried out in the airport area shall be identified by dividing them into four classes:
  - a) airport activities, broken down for each service provided by the airport managing body referred to in paragraph 27.6;
  - b) ancillary activities<sup>8</sup>, according to a breakdown by sub-classifications relating to the main types, namely:
    - i) competitive ground handling services;
    - ii) ancillary activities that are directly supplied by the managing body:
      - food & beverage;
      - retail;
      - other ancillary activities;
    - iii) ancillary activities that are rendered under sub-concession to third parties:
      - food & beverage;
      - retail;
      - offices and other premises (e.g. for car rentals, foreign exchange or tourist information, that are not directly managed by air carriers);
      - other ancillary activities;
    - iv) advertising;
    - v) parking lots;
    - f) other ancillary activities;
  - c) incentive activities (referred to in Part VI);
  - d) non-relevant activities.
6. The managing body is required to provide the Authority with evidence of the commercial margin (CM) achieved in the exercise of ancillary activities.
7. Non-relevant activities are the residual part of the reconciliation with the financial statements.

#### **27.5 Allocation criteria**

1. For regulatory accounting purposes, the above income statement and balance sheet items may be relevant:

<sup>8</sup> Performed directly by the airport managing body or by companies controlled by it and included in the scope of consolidation.

- (a) directly and exclusively for a specific activity;
- (b) for a number of activities, in this case to be allocated on a pro-rata basis according to specific drivers;
- (c) for all the activities (including overhead expenses), in this case to be allocated based on the aggregate driver identified by the Authority pursuant to paragraph 4.

2. The concessionaire shall provide for direct and exclusive allocation of the income statement and balance sheet items that may be allocated objectively and exclusively to specific activities on the basis of the following accounting sources:

- a) general accounting records;
- b) analytical and managerial accounting records;
- c) specific physical measurement of the production factor used.

3. For the income statement and balance sheet items which are relevant for a number of activities, where they may be not allocated according to the drivers referred to under (1) (b), the allocation shall be made based on the sqm assigned to each activity.

4. The general income statement and balance sheet items that are attributable to the whole of the concessionaire's activities are allocated to the activities referred to in paragraph 27.4 in proportion to the costs allocated to each activity on the basis of paragraph 1 (a) and (b).

5. The Authority reserves the right to verify the reasonableness, adequacy and objectivity of the adopted allocation criteria, on the basis of the relevant documentation provided by the airport managing body.

## **27.6 Services provided by the airport managing body**

1. Within the framework of the current national legal framework, the charges and fees that are subject to charging regulation are the following:

- a) landing and take-off charges;
- b) aircraft parking and hangar charges;
- c) passenger boarding charges;
- d) freight loading and unloading charges;
- e) charges for security services:
  - i. security check operations of departing and in-transit passengers;
  - ii. x-ray or other screening of hand baggage;
  - iii. x-ray or other screening of hold baggage, freight and courier postal items;
- f) any fees for use of centralised infrastructure with the characteristics referred to under legislative decree no 18/1999 and including, but not limited to, pursuant to its annex B :
  - i. baggage handling system management (BHS);
  - ii. technical management of loading bridges for passenger boarding and landing or other indivisible systems of air passenger transport;
  - iii. management of aircraft power supply, air conditioning and heating centralised systems;
  - iv. management of aircraft centralised de-icing systems;
  - v. management of centralised IT systems (public information, announcements, airport system, CUTE, etc.);
  - vi. management of static fuel distribution centralised system;
  - vii. management of water/oil and on-board waste treatment plants;

- viii. management of centralised systems for storage and washing of catering materials;
- g) any charges for use of common facilities, including e.g.:
  - i. airside aprons;
  - ii. service and access roads to aprons;
  - iii. aircraft short-term parking areas;
  - iv. hall, passenger access and movement areas;
- h) any fees for use of facilities for exclusive use, including e.g.:
  - i. outdoor areas;
  - ii. indoor areas;
  - iii. operating rooms;
  - iv. offices, warehouses, changing rooms;
  - v. check-in desks;
- i) ground handling charges, if operated under a monopoly<sup>9</sup>;
- j) charges for assistance to passengers with reduced mobility<sup>10</sup>.

2. Non-regulated products include:

- a) any activity provided by the airport managing body which is not listed in the regulated services, such as, as a general rule, all activities of a purely commercial nature;
- b) activities that are instrumental to air transport and are carried out by the airport managing body on a fully competitive basis with third parties.

3. Incentive activities include the activities referred to in Part VI.

4. Non-relevant activities include the activities specified in paragraph 27.4 (7).

## **PART VI Incentives to air transport activities**

### **Measure 28. Incentives to air transport activities**

1. Incentive activities, as outlined under definition 9 in Part I of this regulatory Act, may include marketing, sales promotion and/or tourist activities or other equivalent initiatives.

Irrespective of the form of provision and beneficiaries, the incentives to air transport activities may not originate costs that are attributable to airport activities and shall be reported separately in the regulatory Accounting, as indicated in Part V.
2. Incentives to air transport activities shall be provided by the managing body in compliance with the principles of transparency and non-discrimination and with the principles and criteria laid down in the existing applicable national and EU legislation.

<sup>9</sup> Referred to in Annex (A) to legislative decree no 18 of 13 January 1999 implementing Council Directive 96/67/EC of 15 October 2006 on access to the ground handling market at Community airports.

<sup>10</sup> Assistance provided to persons with disabilities and persons with reduced mobility (PRM) as referred to in Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006.

3. Within the framework of the data collection on the airport sector annually provided for by the Authority, each managing body shall provide the detailed data requested therein, *inter alia*, with regard to air transport incentives. With regard to air transport incentives, the Authority also reserves the right to request further information, such as, e.g.:
  - a) the preliminary documentation proving the results, both favourable and unfavourable, of the test aimed at verifying compliance with the market economy operator principle (MEO test), in accordance with European Commission Communication 2014/C 99/03 on State aid to airports and airlines, and/or of any profitability analyses carried out by the managing body in support of its assessments, for those incentives falling outside the application of EU State aid legislation;
  - b) the documentation relating to the procedures for granting incentives, with particular reference to compliance with the obligation of transparency and equal accessibility for all incentive schemes for air carriers.
4. In the consultation with users, the managing body shall make available, among the documents provided upon launching the Procedure:
  - a) information on the policy for the payment of contributions to the air transport activities that are planned to be implemented, in whatever form, in the regulatory period, in accordance with the relevant principles and criteria laid down in the applicable national and EU legislation, and in particular: (i) type of incentive, with identification of routes to be incentivized (if planned), traffic targets or other purpose of the incentive; (ii) overall duration of each incentive (annual, infra-annual or multiannual); (iii) unit amount - or, where the latter is not available and the contribution is determined based on the number of passengers/movements or quantity of freight, the calculation to be made to determine this unit amount – and total amount of contributions, subsidies or any other form of payment or economic benefit related to each incentive; (iv) type of recipients of such incentives; (v) tourist and/or sales promotion policies and/or campaigns that are already in place on the date of the consultation or will be launched in the regulatory period subject to consultation, specifying expiry date of each incentive and type of incentive.
  - b) total amount of incentives provided by the managing body in the preceding regulatory period and quantification of the related WLU.
5. Where the managing body intends to modify the policy on the incentives to air transport activities during the regulatory period, the new specifications referred to under (4) (a), shall be promptly communicated to the carriers operating in the airport concerned, and to those operating in the previous year.

**Part VII      Service Level Agreements (SLA)****Measure 29. Service Level Agreements (SLA)****29.1      Principles and criteria**

1. With regard to the negotiation of service level agreements (hereinafter: SLA), as referred to under paragraphs 8.1.1 and 14.1, the managing body and the users shall take into account the following general principles:
  - a) service level agreements shall include systems providing for performance obligations of the managing body, taking into account, where appropriate, a minimum level of performance to be requested from users, with a view to a clear and precise allocation of responsibilities between the different actors involved in the different processes and to their effective cooperation;
  - b) for each service included in the proposed SLA, the target value of the service level indicator chosen for the application of penalties may provide for a gradual efficiency improvement in the regulatory period, based on criteria of competitiveness and sustainability, compared to the current performance of the entity carrying out the service. This target value shall be expressed as a percentage and cannot, as a rule, be 100%;
  - c) for the purpose of the agreement, the managing body shall provide users with any possible information on past performance in relation to the services included in the proposed SLA;
  - d) the agreement shall set out the arrangements for monitoring the service level indicators contained therein, in accordance with criteria of transparency and objectivity;
  - e) any settlement of the penalties that are payable by the managing body to individual airport users on the basis of the service level agreement shall be released and independent from the settlement of the airport charges payable by the users to the airport managing body for the use of airport services.

**PART VIII      Provisions on the entry into force with regard to the programme Contracts referred to in Article 17 (34-bis) of Decree-law no 78/2009**

**Measure 30. Provisions on the entry into force with regard to the programme Contracts referred to in Article 17 (34-bis) of Decree-law no 78/2009**

1. With regard to the airports governed by the programme Contracts referred to in Article 17 (34-bis) of Decree-law no 78/2009, the provisions referred to herein are transposed in addendums or other agreements, however described, concluded between the awarding entity and the concessionaire.
2. Pending the transposition of the provisions of this regulatory Act, the Authority shall exercise the supervisory functions referred to in Article 80 of Decree-law no 1/2012 on the basis of the principles set out in Articles 71 through 82 of Decree-law no 1/2012 and of those set out in this regulatory Act.

## Annessi

### Annex 1. Methodology for determination of targeted potential productivity improvement and elasticity coefficients

For the determination of the annual value of potential productivity improvement  $\pi_t^*$  referred to in paragraph 10.1.4 the Authority applies the stochastic frontier methodology (Stochastic Frontier Analysis, hereinafter: SFA) to identify the curve of efficient operating costs, on the basis of the latest available dataset containing the economic and technical data of the airport managing bodies open to commercial traffic that have recorded traffic over one million passengers per year in the last 5 years (in the case of years that may have been marked by declarations of state of emergency by the competent Authorities, the five-year period will be reduced by the same years). The dataset, which collects the data of managing bodies since 2013, is updated on an annual basis also through the regulatory Accounting reports transmitted by the managing bodies and through external sources, e.g. ISTAT, ENAC, ENAV, trade associations and the Air Force.

The cost function is initially determined based on economic theory and the information acquired by the regulatory body over time, according to the following approach: a cost function is specified with an initial set of variables, testing it against a wide range of models, first on the basis of functional form and then on the inefficiency configuration, selecting robust models with respect to statistical tests. Different specifications of the cost function are then tested through the inclusion or exclusion of additional control variables to verify the reasonableness and robustness of the chosen function.

In general, in the stochastic frontier econometric model the cost function  $C_{it}$  is estimated as follows:

$$C_{it} = f(y_{it}, w_{it}, x_{it})e^{(v_{it} + u_{it})}$$

where:

i      airport managing bodies making up the sample;

t      time points forming part of the time interval considered;

$f(y_{it}, w_{it}, x_{it})$  deterministic part of the model, which identifies costs as a function of output  $y_{it}$ , input price  $w_{it}$  and other characteristics of company  $x_{it}$ ;

$v_{it}$       noise (or random shock), which can take either a positive or negative value;

$u_{it}$       inefficiency-capturing factor, which can only be of positive value<sup>11</sup>.

#### Functional form

For the deterministic part of the model, the econometric analyses first consider the typical functional forms used in microeconomic cost analyses, i.e.:

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<sup>11</sup> For a more detailed description of the methodology, please refer to: D. Aigner, C.A.K. Lovell and P. Schmidt, "Formulation and estimation of stochastic frontier production function models", Journal of Econometrics No. 6, 1977, pp. 21-37.

- the Cobb-Douglas type function, with constant elasticity of substitution, which is simpler and more intuitive from the point of view of interpreting the coefficients, since it is linear in its transformed log:

$$\ln(C_{it}) = \alpha + \sum_i \beta_{it} \ln x_{it} + \varepsilon_{it}$$

where  $C_{it}$  is the total production costs,  $x_{it}$  the explanatory variables (input prices, production outputs and other control variables),  $\beta_{it}$  the value of cost elasticity with respect to factor  $x_{it}$  and  $\varepsilon_{it}$  the estimation error term, sum of  $v_{it}$  and  $u_{it}$ .

- the Translogarithmic function (so-called Translog), which is more flexible, especially with regard to the economies of scale that may vary with the output, but requires a greater number of observations, since the estimation of the several parameters considering the square of the regressors and their interactions consumes many degrees of freedom. In this case, linearisation using the logarithmic transformation involves the following formula:

$$\ln(C_{it}) = \alpha + \sum_i \beta_{it} \ln x_{it} + 1/2 \sum_i \delta_{it} \ln x_{it}^2 + \sum_j \sum_i \varphi_{ijt} \ln x_{jt} \ln x_{it} + \varepsilon_{it}$$

Through  $\delta_{it}$  and  $\varphi_{ijt}$  coefficients, with this functional form, unlike the Cobb-Douglas, it is possible to take into account the squared terms and the interactions between different factors, thus allowing the economies of scale to adjust to changes, e.g. in the number of passengers for each airport. It is possible to construct "intermediate" functional forms between the two proposals with the addition of only the squared terms and interactions, of all or part of the variables, to Cobb-Douglas in order to balance the trade-off between flexibility, economy and efficiency of Cobb-Douglas and Translog. Since the Cobb-Douglas function (and the "intermediate" functions) are a special case of the Translog, the functional form is selected through the use of appropriate statistical tests (likelihood ratio test), simultaneously testing the significance, sign and size of the coefficients of the most relevant variables (price and output).

### Inefficiency configuration

For the **stochastic component**, either time-invariant configurations are used (i.e. assuming that the inefficiency term is specific to each individual but constant over time) in the version of Pitt and Lee (1981)<sup>12</sup> or Battese and Coelli (1988)<sup>13</sup>, or time-varying decay configurations (i.e. assuming that inefficiency levels and technical progress change over time), in the version of Battese and Coelli (1992, 1995)<sup>14</sup>, or a true random effect configuration, according to Greene's model (2005)<sup>15</sup>. The model is selected on the basis of the significance in the most relevant parameters (e.g. noise-to-signal,  $\sigma_u^2$ ,  $\sigma_v^2$ ...).

<sup>12</sup> M.M. Pitt e L.F. Lee, (1981). "The Measurement and Sources of Technical Inefficiency in the Indonesian Weaving Industry", *Journal of Development Economics* no. 9, pp. 43-64.

<sup>13</sup> G.E. Battese e T.J. Coelli, (1988). "Prediction of firm-level technical efficiencies with a generalized frontier production function and panel data", *Journal of Econometrics*, vol. 38(3), pp. 387-399

<sup>14</sup> G.E. Battese e T.J. Coelli, (1992). "Frontier Production Functions, Technical Efficiency and Panel Data: with Application to Paddy Farmers in India", *Journal of Productivity Analysis* n. 3, pp. 153-169.

Battese, G. E., & Coelli, T. J. (1995). "A model for technical inefficiency effects in a stochastic frontier production function for panel data", *Empirical economics*, vol. 20(2), pp. 325-332

<sup>15</sup> Greene, W. (2005). "Fixed and random effects in stochastic frontier models". *Journal of productivity analysis*, vol. 23(1), pp. 7-32.

## Variables used

The estimation model takes into consideration the variables listed below.

The **dependent variable** represents the total operating costs of the i-th airport in year t, allowed for regulatory purposes as per paragraph 10.1.2 for services subject to regulation pursuant to Decree-law no 1/2012, that are incurred for the production of regulated activities only (as referred to in definition 7 of Measure 1), net of costs relating to concession fees, fire service and security.

The "basic" **independent variables**, that are necessary to perform the input-output analysis, include an output variable (WLU), the input prices (of labour and other inputs) and the fixed input (represented by the theoretical maximum capacity, i.e. the theoretical maximum number of movements per hour).

To capture additional temporal, geographical, territorial and environmental characteristics, which can generate variations in the costs of the airport managing body and must therefore be taken into account, **control variables** are tested that are linked to the characteristics listed below by way of example, i.e. structure variables, demand size of airport catchment area, operation characteristics, traffic flow characteristics, market characteristics, meteorological and environmental data, time dummies or year trend, cluster dummies (selected through hierarchical or partitioning clustering techniques of the airports under analysis).

Explanatory variables are tested progressively, so as not to have highly correlated variables in the same regression, to ensure that all factors that may influence operations are adequately in place, and to have stability of coefficients in order to better identify the sector cost function.

It should be noted that the economic variables are corrected for the effect of inflation by applying the HICP consumer price index, and take as 100-base year the most recent year of the panel used in the analysis. The variables are then normalised with respect to the median value<sup>16</sup> so that the coefficient of output and prices can be interpreted as elasticity of the operating cost with respect to these variables at the point of approximation<sup>17</sup>. The theoretical condition of linear homogeneity (+1 degree) is ensured through the normalisation of cost and prices via the price of other inputs.

## Determination of potential productivity improvement

The overall percentage of potential productivity improvement of each managing body,  $\pi_i^*$ , is obtained from the average of its individual distances from the efficient frontiers resulting from the regressions selected on the basis of the parameters of the single regression, the overall robustness and the correlation between the single distances from the frontiers generated by them (both in terms of rank and level). The annual value of potential productivity improvement of the i-th managing body,  $\pi_{it}^*$ , defined for the entire five-year period, is calculated according to the following formula:

$$\prod_{t=1}^n (1 - \pi_{it}^*) = 1 - \pi_i^* \quad \pi_{it}^* > 0$$

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<sup>16</sup> The variables expressed in logarithm are divided by their respective median value, while for variables expressed in percentages, normalisation is effected by subtracting the respective median value.

<sup>17</sup> Consequently, the coefficient of the output (together with any squared terms and interactions thereof) may be used for the determination of the cost elasticity with respect to varying volumes as per paragraph 10.1.3.

The coefficients of the output variable (WLU) of the regressions selected for the calculation of the targeted potential productivity improvement obtained from the chosen model following the above procedure are used to define the elasticity coefficients.

**Annex 2. Schemes for construction and updating of charges**

In accordance with the provisions of Part II, Part III and Part IV, attached to this regulatory Act are the calculation sheets to be used by the airport managing bodies for the construction and updating of charges.

**Annex 3. Accounting schemes**

In accordance with the provisions of Part V, attached to this regulatory Act are the tables for data and information collection by the managing bodies referring to Model A, which must be filled in having regard to the relevant Guidelines made available by the offices of the Authority.

The tables will be acquired by the Authority through an IT interchange platform, that may be entered with identification and digital signature pursuant to the Digital Administration Code.

**Annex 4. Simplified accounting schemes**

In accordance with the provisions of Part V, attached to this regulatory Act are the tables for data and information collection by the managing bodies referring to Model B, which must be filled in having regard to the relevant Guidelines made available by the offices of the Authority.

The tables will be acquired by the Authority through an IT interchange platform, that may be entered with identification and digital signature pursuant to the Digital Administration Code.

**Annex 5. Form: Proposal for review of airport charges — Notice of launch of consultation for airports referred to in Model A**

Autorità di Regolazione dei Trasporti  
Via Nizza 230  
10126 Torino

Subject: Proposal for review of airport charges — Notice of launch of user consultation

I, the undersigned \_\_\_, on behalf of the company \_\_\_, concession holder for the management of the airports \_\_\_, hereby notify the Authority that the opening of the consultation of its airport users on the proposed review of airport charges for the regulatory period \_\_\_/\_\_\_ has been scheduled on \_\_\_.

For this purpose, and in accordance with the relevant airport charges regulatory Model A, the company has drawn up the consultation document, including, *inter alia*, the proposed review of airport charges, and the related additional supporting documents.

This documentation is attached hereto in computer readable format, together with the necessary information for the Authority to carry out its checks on the correct application of the Model.

On the above date, the undersigned Company will notify the users of the launch of the consultation on the proposed review of airport charges and will make available, with confidential online access, the consultation document and related annexes by providing users with prior notice of the public hearing that is scheduled on \_\_\_.

We hereby ask the Authority to formalise for the airport (s) of \_\_\_ the launch of the Procedure concerning the review of airport charges, by giving notice of the communication received on its website.

Date \_\_\_  
(signature) \*

\* (signature of legal representative or other duly authorised person with special power of attorney, granted by public deed or by authenticated contract)

**Annex 6. Form: Proposal for amendment of airport charges — Transmission for the airports referred to in Model A**

Autorità di Regolazione dei Trasporti  
Via Nizza 230  
10126 Torino

Subject: Proposal for amendment of airport charges — Transmission

I, the undersigned \_\_\_, on behalf of the company \_\_\_, concession holder for the management of the airport/airports \_\_\_, hereby notify the Authority that the consultation procedure on the proposed review of airport charges for the regulatory period \_\_/\_ \_\_\_, that was already sent to the Authority on \_\_\_\_\_ by note no \_\_\_\_\_ to notify the launch of user consultation, has been concluded on \_\_\_\_\_.

For this purpose, and in accordance with the relevant regulatory Model A, the undersigned transmits to the Authority the final proposal drawn up at the end of the procedure, together with full copy, in computer readable format, of the documentation concerning the conduct of the consultation, including the minutes of the public hearings. Enclosed with this documentation is the update of the originally submitted information, in computer readable format, that is necessary for the Authority to carry out its checks on the correct application of the Model.

(in case of agreement)

In this respect, I declare that an agreement has been reached with airport users on the final proposal. Therefore, the company shall provide for publication of the final proposal on \_\_\_\_\_.

(in case of disagreement)

In this regard, I declare that no substantial agreement was reached with airport users on the final proposal, as per the report attached to this communication which highlights the topics on which divergent positions were expressed, with an explanation of the reasons supporting the opposing positions on each point. The Company shall publish the final proposal in compliance with the terms and conditions set forth in paragraph 8.1.3 of Model A /paragraph 19.5 of Part IV.

In relation to the above and with reference to the documentation transmitted together with this note, we hereby ask the Authority to carry out the activities under its remit with regard to the provisions of Model A concerning the regulation of airport charges.

Date \_\_\_\_  
(signature) \*

\* (signature of legal representative or other duly authorised person with special power of attorney, granted by public deed or by authenticated contract)

**Annex 7. Form: Proposal for review of airport charges — Notice of launch of consultation for the airports referred to in Model B**

Autorità di Regolazione dei Trasporti  
Via Nizza 230  
10126 Torino

Subject: Proposal for amendment of airport charges — Notice of launch of user consultation

I, the undersigned \_\_\_, on behalf of the company \_\_\_, concession holder for the management of the airport \_\_\_, hereby notify the Authority that the launch of the consultation of its airport users on the proposed update of airport charges has been scheduled on \_\_\_.

For this purpose, and in accordance with the relevant Model B, the company has drawn up the *Consultation document*, including, *inter alia*, the proposed amendment of airport charges, and the related additional supporting documents.

This documentation is attached hereto in computer readable format, together with the information that is necessary for the Authority to carry out its checks on the correct application of the regulatory measures.

On the above date, the undersigned company will notify the users of the launch of the consultation on the proposed update of airport charges and will make available the *Consultation document* and related annexes, with confidential online access.

We hereby ask the Authority to formalise for the airport/airports of \_\_\_ the launch of the procedure concerning the update of airport charges, by giving notice of the communication received on its website.

Date \_\_\_  
(signature) \*

\* (signature of legal representative or other duly authorised person with special power of attorney, granted by public deed or by authenticated contract)

**Annex 8. Form: Proposal for amendment of airport charges — Transmission for the airports referred to in Model B**

Autorità di Regolazione dei Trasporti  
Via Nizza 230  
10126 Torino

Subject: Proposal for amendment of airport charges — Transmission

I, the undersigned \_\_\_, on behalf of the company \_\_\_, concession holder for the management of the airport \_\_\_, hereby notify the Authority that the consultation procedure on the proposed update of airport charges, that was already sent to the Authority on \_\_\_\_\_ by note no \_\_\_\_\_ to notify the launch of the user consultation, has been concluded on \_\_\_\_\_.  
For this purpose, and in accordance with the relevant regulatory Model B, the undersigned transmits to the Authority the final proposal drawn up at the end of the procedure, together with full copy, in computer readable format, of the documentation provided for by the Model. Enclosed with this documentation is the the update of the originally submitted information, in computer readable format, that is necessary for the Authority to carry out its checks on the correct application of the Model. (in case of agreement)

In relation to the above and with reference to the documentation transmitted together with this note, we hereby ask the Authority to carry out the activities under its remit with regard to the provisions of Model B concerning the regulation of airport charges.

Date \_\_\_\_  
(signature) \*

\* (signature of legal representative or other duly authorised person with special power of attorney, granted by public deed or by authenticated contract)

**Annex 9. Form: Proposal for review of airport charges — Notice of launch of consultation for airport Networks**

Autorità di Regolazione dei Trasporti  
Via Nizza 230  
10126 Torino

Subject: Proposal for review of airport charges — Notice of launch of user consultation for airport Networks

I, the undersigned \_\_\_, on behalf of the company \_\_\_, concession holder for the management of the airports \_\_\_, designated as airport Network pursuant to ministerial decree \_\_\_/\_\_\_, that is attached hereto, hereby notify the Authority that the launch of the consultation of the Network users on the proposed review of airport charges for the regulatory period \_\_\_/\_\_\_ has been scheduled on \_\_\_.

In this respect please note that the main airport of the Network is \_\_\_\_\_.

For this purpose, and in accordance with the relevant Model, the company has drawn up the *Consultation document*, including, *inter alia*, the proposed amendment of airport charges, and the related additional supporting documents.

This documentation is attached hereto in computer readable format, together with the necessary information for the Authority to carry out its checks on the correct application of the regulatory measures.

On the above date, the undersigned Company will notify the users of the launch of the consultation on the proposed update of airport charges and will make available, with confidential online access, the *Consultation document* and related annexes by providing users with prior notice of the public hearing that is scheduled on \_\_\_.

We hereby ask the Authority to formalise for the airport/airports of \_\_\_ the launch of the Procedure concerning the review of airport charges, by giving notice of the communication received on its website.

Date \_\_\_  
(signature) \*

\* (signature of legal representative or other duly authorised person with special power of attorney, granted by public deed or by authenticated contract)

**Annex 10. Form: Proposal for review of airport charges — Request for authorization to apply a common and transparent airport charging system under Article 74 (3) of Decree-law no 1/2012**

Subject: Proposal for review of airport charges — Request for authorization to apply a common and transparent airport charging system under Article 74 (3) of Decree-law no 1/2012

I, the undersigned \_\_\_, on behalf of the Company \_\_\_, with reference to the airports \_\_\_, hereby submit to the Authority the request to apply a common and transparent airport charging system to these airports in accordance with Article 74 (3) of Decree-law no 1/2012.

For this purpose, in accordance with the measures concerning the regulation of airport Systems, please find herewith enclosed the traffic distribution plan of the airport System, as well as the documents referred to under the relevant Models for each airport concerning, in particular:

1. *costing* models (paragraph from 10.1 through 10.8 of Model A and Part V) for each airport falling under the airport System;
2. *pricing* model (paragraph 1.1 and Measure 11 of Model A) to be applied to the airport System.

This documentation is attached hereto in computer readable format, together with the information that is necessary for the Authority to exercise the functions within its remit.

We hereby ask the Authority to assess this proposal and give notice thereof on its website.

Date \_\_\_\_  
(signature) \*

\* (signature of legal representative or other duly authorised person with special power of attorney, granted by public deed or by authenticated contract)

**Annex 11. Form: Proposal for review of airport charges — Notice of launch of consultation for airport Systems**

Transport Regulation Authority  
Via Nizza 230  
10126 Torino

Subject: Proposal for review of airport charges — Notice of launch of consultation for the airport System of \_\_\_\_\_

I, the undersigned \_\_\_, on behalf of the Company \_\_\_, with reference to the airport System of \_\_\_\_\_, as authorised by the Authority to apply a transparent and common charging system in accordance with Article 74 (3) of Decree-law no 1/2012, hereby notify the Authority that the launch of the consultation with the users of the airport System on the proposed review of airport charges for the regulatory period \_\_\_/\_\_\_ has been scheduled on \_\_\_.

For this purpose, and in accordance with the relevant Model, the Company has drawn up the *Consultation document*, including, *inter alia*, the proposed review of airport charges, and the related additional supporting documents.

This documentation is attached hereto in computer readable format, together with the information that is necessary for the Authority to carry out its checks on the correct application of the regulatory measures.

On the above date, the undersigned company will notify the airport users of the launch of the consultation on the proposed review of airport charges and will make available, with confidential online access, the *Consultation document* and related annexes by providing users with prior notice of the public hearing that is scheduled on \_\_\_.

We hereby ask the Authority to formalise for the airport System of \_\_\_\_\_ the launch of the procedure concerning the review of airport charges, by giving notice of the communication received on its website.

Date \_\_\_  
(signature) \*

\* (signature of legal representative or other duly authorised person with special power of attorney, granted by public deed or by authenticated contract)

**Annex 12. Form: Personal sworn declaration**

Subject: Personal sworn declaration (Article 47 of Presidential Decree No 445 of 28 December 2000, as amended)

I, the undersigned \_\_\_, born at \_\_\_ on \_\_\_, resident in \_\_\_, no \_\_\_, tax code \_\_\_, being aware of the criminal penalties referred to in Article 76 of Presidential Decree No 445 of 28 December 2000, as amended, in case of false statements, and of the loss of the benefits that may have been obtained on the basis of false statements, as referred to in Article 75 of the aforementioned Presidential Decree; pursuant to - and for the purposes of - Presidential Decree no 445/2000, as amended, on its own responsibility

HEREBY DECLARE

that the statements in the attached document, that has been sent by the airport managing body \_\_\_, and referred to the undersigned, are those expressed at the hearing held on \_\_\_ in \_\_\_.

I finally declare that I am informed pursuant to - and for the purposes of - Article 13 of Legislative decree no 196 of 30 June 2003, that the personal data collected will be processed, including by means of IT tools, only in the context of the procedure which this declaration is intended for.

Place \_\_\_

Date \_\_\_

(signature)

*(Pursuant to - and for the purposes of - Article 38 of Presidential Decree No 445 of 28.12.2000, as amended, this declaration is signed and sent together with copy of the declarant's identity document, to the competent office by fax, by post or electronically, as provided for in Article 65 of Legislative decree no 82 of 7 March 2005.)*

**Annex 13. Form: Request to the Authority for dispute resolution**

Note: Purpose of this form is to facilitate access to the procedures of appeal to the Transport Regulation Authority for the performance of its oversight on access conditions to airport infrastructure, operation of airport charges system, amount of charges and quality of services provided to users, pursuant to the provisions of Directive 2009/12/EC, Decree-law no 1/2012 transposing the Directive into domestic legislation, Legislative decree no 201/2011, and to the measures of the applicable charging model.

TO BE ACCEPTED THE APPLICATION SHALL BE COMPLETED IN FULL.

**TO THE TRANSPORT REGULATION AUTHORITY****I — REQUEST LODGED BY**

Company name, legal representative, registered office, tax number, elected domicile, fax and certified e-mail.

**II — AGAINST**

Company name, legal representative, registered office

**III — DEED/CONTRACT UNDER DISPUTE****IV — SUBJECT-MATTER OF THE DISPUTE:****V — Reasons giving rise to the dispute:**

(Technical, economic, legal) basis of the request

**VI — FACTS****VII — PREVIOUS ATTEMPTS TO REACH AN AGREEMENT OR SETTLE THE DISPUTE****VIII — OUTCOME OF PREVIOUS ATTEMPTS TO REACH AN AGREEMENT OR SETTLE THE DISPUTE****IX — REQUESTS ADDRESSED TO THE AUTHORITY****X — DOCUMENTS ATTACHED IN SUPPORT OF THE REQUEST**

(please attach only copies of supporting documents; the documents that are relevant for the discussion may be produced at the hearing)

**XI — OTHER DOCUMENTS TO BE LODGED**

Copy of identity document of the user concerned (mandatory)

Self-certification or personal sworn declaration

(I, the undersigned, for the purpose of Articles 46 and 47 of Presidential Decree no 445/2000, aware of the legal consequences in case of false statements in accordance with Article 76 of the above Presidential Decree, hereby declare that the information provided in this form is true). Place and date

PROXY

(The undersigned hereby delegates Mr/Ms \_\_\_\_\_, born in \_\_\_\_\_ on \_\_\_\_\_ to represent him/her at the hearing on \_\_\_\_\_, granting him/her for this purpose all the powers granted by law, including the power to reach agreements and settle disputes). Place and date

**INFORMATION FOR THE PROCESSING OF LODGED DOCUMENTS**

Place and Date

(signature) \*

\* (signature of legal representative or other duly authorised person with special power of attorney, granted by public deed or by authenticated contract)

**INFORMATION ON THE PROCESSING OF PERSONAL DATA**

The data provided under this FORM will be processed by manual, computerised or electronic tools for the purpose of dispute resolution. The information on data controller and data protection officer are available on the Authority's website. The data subject may, at any time, address the data controller in order to verify, rectify, update, delete its data or object to its processing, if it is carried out in breach of the law.

**Annex 14. List of services and infrastructure provided in return for charges and other fees subject to regulation (EXAMPLE)**

SERVICE PROVIDED	PARAMETER	FACILITIES INFRASTRUCTURE	SERVICES
<b>Landing and take-off charges</b> (Article 2, Law no 324/76, as amended)	Maximum tons at take-off	Runways; Taxiways and holding bays; Airport markings and signs (runways and taxiways) and related airfield lighting; —;	—;
<b>Aircraft parking and hangar charges</b> (Article 2, Law no 324/76, as amended)	Maximum tons at take-off	—;	—;
<b>Passenger boarding charges</b> (Article 5, Law no. 324/76, as amended)	Number of paying departing passengers	—;	—;
<b>Freight loading and unloading charges</b> (Decree-law no 47/74, converted by Law No 117/74)	Freight weight	—;	—;
<b>Charge for security check on passengers and related cabin baggage</b> (Article 5 (3) of Decree-law no 9/92 converted into Law No 217/92 and Ministerial Decree No 85/99)	Number of paying departing passengers	—;	—;
<b>Charge for security check on hold baggage</b> (Article 5 (3) of Decree-law no 9/92 converted into Law No 217/92 and Ministerial Decree no 85/99)	Number of paying departing passengers	—;	—;
<b>Charges for the use of</b> <ul style="list-style-type: none"> <li>▪ <b>check-in desks:</b> <ul style="list-style-type: none"> <li>- <b>with conveyor,</b></li> <li>- <b>without conveyor,</b></li> <li>- <b>for transit;</b></li> <li>- <b>for information</b></li> </ul> </li> </ul> (Article 10 of legislative decree no 18/99)	Running time and square metre	—;	—;

SERVICE PROVIDED	PARAMETER	FACILITIES INFRASTRUCTURE	SERVICES
<b>Charges for the use of:</b> ▪ offices; ▪ operating rooms for ground handling and air transport; ▪ operating areas for ground handling and air transport (Article 10 of Legislative decree no 18/99)	Square metre, location, type	—;	—;
<b>Charges for fuel delivery areas</b> (Article 10 of Legislative decree no 18/99) Provision of fuel delivery areas	Square metre	—;	—;
<b>Charges for passenger assistance to disabled persons or persons with reduced mobility</b>	Number of paying departing passengers (PRM or not)	—;	—;
<b>Charges for use of passenger loading bridges</b> (Article 10 of Legislative decree no 18/99)	Bridge by type and parking time	—;	—;
<b>Charges for use of centralised facilities for storage of goods</b> (Article 10 of Legislative decree no 18/99)	Freight weight	—;	—;