

## Newsletter n. 1/2018

January - April

### 1. Airline Representation



Following the steps already taken at BLQ , the Airline Representative bodies at PSA airport adopted the IBAR recommendation to streamline their structures and , on April 10th, approved the merger of the AUC ( Airport Users Committee ) and the AOC ( Airport Operators Committee ) into a single entity.

IBAR intends to foster an in-depth discussion on this all important subject and , in this context , will organize an ad-hoc session – open to the AUC/AOC Presidents of all the Italian Airports and other Associations - in connection with the next General Assembly.

In the Executive Committee’s view, changes along these lines are in the interest of all Carriers and of a crucial nature to tackle adequately the challenges ahead.

Thus, any supporting action by the Country Managers will be highly appreciated.

### 2. Antitrust investigation on the limitations of ground handling services’ providers at several Italian Airports

Following-up on a signal from IBAR , in January the Antitrust Authority decided to open an investigation on the string of ground handlers’ limitations approved by ENAC in the last two years.

In March , an IBAR delegation met the Antitrust Executives in charge and provided abundant documentation with regard to :

- Inadequate consultation procedures
- Lack of economic impact analysis
- Consistent reluctance by the Airport Managers to share the technical documents supporting their requests for the limitations.
- Failure to consider alternative measures to offset the apron congestion or the safety/security hazards
- Excessive length of the limitation periods

### 3. ART Contributions

In February/March , the Administrative Court of Turin decided on several claims\* raised by individual carriers who opposed the tax requested by ART for the year 2015. The Court stated that the claimants are not subject to ART regulation, since they operate in a free market , and that only airports are regulated by the Authority.

As a consequence, the Court decided that the tax requested to the claimants for the year 2015 is not legitimate.

In light of the above, the carriers should evaluate with their legal consultants any steps that may be taken with regard to the payment of such tax for 2018 and for the possible recovery of the tax that may have been paid in the past.

The subject will be addressed, with the support of our Legal Counsel, during the next General Assembly to be held in June.

\* Court decisions’ references : N. 00455/00456/00457 2018

#### 4. Joint A4E Press Event



- The intention of the Italian Authorities to extend the mandatory transmission of API/PNR data to all flights ( both extra-EU and INTRA-EU )
- The intended penalties regime, which, in its present wording, would surely trigger a string of administrative/legal litigations (as already experienced with the API Directive).

On April 11th , the A4E Director General and the IBAR Secretary General met the Italian press in Milan to present their views on the hindrance imposed on air travel by high taxation and costly airport charges.

The conclusion of the Legislative process for the relevant Decree is expected for the end of May, even in the absence of operational Government and Parliament Branches.

The relevant press clippings can be found in the media section of the [ibarair.eu](http://ibarair.eu) website

Effectiveness of the Decree may be delayed to allow for the necessary IT infrastructure adjustments, both within the Italian UIP (Passenger Information Unit) and by the Carriers.

#### 5. EU Directive 2016/681 (PNR)

May 25<sup>th</sup> , 2018 marks the deadline for the EU Member States to introduce National Legislation for the adoption of the EU Directive regulating the submission of PNR data to the designated Authorities.

#### 6. General Data Protection Regulation EU 2016/679 (GDPR)

Like most EU Member States , Italy is currently at the final stages of drafting such legislation.

As the Members have already been reminded, May 25<sup>th</sup> 2018 will also be the date of effectiveness of the EU Regulation on General Data Protection.

In the process, IBAR was invited to high- level meetings with Ministry of Interior–Immigration Department Officials and participated in a Parliamentary Audition before the Commission entrusted with the clearance of the legislative text.

This Regulation is a binding legislation across the EU and, unlike EU Directives, does not require transposition into National Laws.

On both occasions, and in close cooperation with the other Industry Associations and the Carriers summoned by the Commission, IBAR expressed its reservations on some points on which the Italian draft law goes beyond the scope of the EU Directive, as is the case for :

#### 7. Arrivals & Departures :



- The planned merger of API and PNR data in the absence of a clear understanding of the differences between the two.

A warm welcome to :  
Mr. Ke CHEN  
General Manager for Italy  
CHINA SOUTHERN AIRLINES !