



Spett.le ENAC  
Alla c.a. del Vice Direttore Generale , Dott.ssa Giovanna Laschena  
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5 novembre 2020

### COURTESY TRANSLATION

Subject : DPCM November 3rd 2020 and applicability of EU Reg. 261/2004

Dear Mrs Laschena,

with the publication on the Official Gazette of the above referenced DPCM, as of November 6<sup>th</sup> the movements to/from the Italian regions identified , according to criteria devised by the Health Authorities , as COVID-19 “risk areas” will be restricted.

In our opinion the DPCM falls to all effects within the category of ... “ measures taken by public authorities and intended to contain the Covid-19 pandemic , which are by their nature and origin not inherent in the normal exercise of the activity of carriers and are outside their actual control “<sup>1</sup>.

Therefore we are now addressing your esteemed Authority , in its quality of National Enforcement Body for the EU Reg. 261/2004 and with reference to your letter 59049-P of June 18<sup>th</sup> , to request a kind confirmation of the correctness of our interpretation according to which , the cancellation of flights operated to/from the airports located in the “orange and red” areas identified by ad-hoc Ministry of Health’s ordnances , would not trigger the obligation for the Carriers to abide by the prescriptions of EU Reg. 261/2004.

We shall be grateful for a prompt reply.

Kind regards

Luciano Neri

  
Segretario Generale

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<sup>1</sup> Brussels, 18.3.2020 final Commission Notice  
Interpretative guidelines on EU passenger rights regulations in the context of the developing situation with Covid-19