

DIARY DATES

EBACE - EUROPEAN BUSINESS AVIATION CONVENTION & EXHIBITION

International Aircraft Transactions Seminar
18 May 2015
Geneva, Switzerland
Laura Pierallini, speaker

LUISS GUIDO CARLI UNIVERSITY

Aviation Conference on “the future of the air transport industry”
4 June 2015
Rome, Italy
Studio Pierallini, co-organizer
Laura Pierallini, moderator

IAWA - INTERNATIONAL AVIATION WOMENS ASSOCIATION

IAWA Reception at Studio Pierallini
4 June 2015
Rome, Italy
Studio Pierallini, organizer and venue

EXTENSION OF THE BILATERAL AIR SERVICES AGREEMENT BETWEEN ITALY AND THE UNITED ARAB EMIRATES (UAE)

By Gianluigi Ascenzi

In view of the intended open skies project which should start in 2017, ENAC (the Italian CAA under delegation of the Ministry of Transport) and the UAE Government came to an extension and revision of the air services agreement in place since 1991. The agreement was signed on 23 April 2015 with the main purpose of increasing the air transport and the market exchange between the two countries. In particular, the Gulf carriers already operating routes will be allowed to extend their weekly frequencies (Etihad Airways from 14 to 63; Emirates from 56 to 63), while a further UAE carrier obtaining frequencies in the near future is recognized as a possibility. Also, within the said frequencies Emirates and Etihad Airways will be entitled to serve a new Italian airport in addition to those covered to date (Milan MXP; Rome FCO; Venice VCE). The same number of frequencies for the Gulf carriers will be granted to Alitalia as well, in line

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with the “reciprocity principle” commonly applied to air services agreements by the contracting States of the ICAO convention. Further provisions of the subject agreement will allow the execution of code-share partnerships among Italian and UAE airlines (mainly Alitalia and Etihad Airways, based on the recent implementation of their equity alliance). It is also remarkable that the two countries have agreed the stabilization of the fifth-freedom rights previously granted towards foreign destinations (such as the route Dubai-DXB / Milan-MXP / New York-JFK operated by Emirates).

ITALIAN TAX ON AIRCRAFT NOISE (IRESA) – RULING BY THE CONSTITUTIONAL COURT

By Francesco Grassetti

A recent judgement issued by the Italian Constitutional Court (no. 13 dated 18 February 2015) established a fundamental rule for the implementation of the tax on aircraft noise by the Italian Regions (so called IRESA). By way of background, it must be recalled that IRESA has been charged since 2013 for the noise

emissions caused by civil aircraft during the take-off and landing operations at the Italian airports. The charge is determined by each Region on the basis of the aircraft maximum take-off weight (MTOW) and the noise levels certified by the ICAO for each aircraft type. Aircraft types with maximum take-off weight below 4.5 tons benefit of a tax exemption, as do State aircraft (i.e. owned by the Italian government or other public bodies) and aircraft engaged in fire-fighting, rescue operations and medical or emergency services. Also historical aircraft (being registered for more than 40 years) and aircraft used for training purposes have a tax-exempt status. The case resolved by the Constitutional Court had been commenced by Lazio Region in order to challenge the provisions set out by National Law no. 9/2014, according to which the maximum rate of the noise emission tax cannot exceed Euro 0,50 per aircraft ton throughout the Italian territory. This Law has also set guidelines for the tax adjustment in case of daily or overnight flights, as well as in connection with the characteristics of the specific urban area nearby the involved airport. Before the issuance of National Law no. 9/2014, in practice taxes between Euro 1,5 and 2,5 had been applied per ton and for each take-off or landing. Lazio Region argued that the Law was illegitimate as IRESA would be a matter under exclusive jurisdiction of the Italian Regions. It must be noted that Lazio Region had previously implemented IRESA by Regional Law no. 2//2013 and applied tax rates between Euro 1,60 and 2,5 per aircraft ton (both Rome FCO and Rome CIA airports fall within the jurisdiction of Lazio Region). On such basis the Constitutional Court was asked to rule on the constitutional legitimacy of the Law adopted by the Italian Parliament. By means of the mentioned decision the Constitutional Court stated that National Law no. 9/2014 is fully legal and legitimate, explaining – inter alia – that no violation to article 117 of the Italian Constitution (regarding the separation of the legislative powers among the State and the Regions) had been proven by Lazio Region. According to the Court the limit and guidelines fixed at a National level have also an important role in coordinating the implementation of IRESA Region by Region, thus minimizing the risk of negative effects on a fair competition between different airports and geographical areas. As a consequence of the above resolution, on March 2015 the authorities of Lazio Region informed that they will: (i) re-adjust the IRESA rates in compliance with the ruling of the Constitutional Court; (ii) refund the excess taxes paid by the operators prior to the Court's decision, by allowing to apply the exceeding amounts against future payments of the tax.

EASA SAFETY INFORMATION BULLETIN FOLLOWING THE ACCIDENT OF FLIGHT 4U9525

By Marco Marchegiani

Following the dramatic accident of flight 4U9525, on 27 March 2015 the European Aviation Safety Agency issued a temporary recommendation to the national aviation authorities and the commercial air transport operators. In details, by way of the safety information bulletin no. 2015-04, EASA recommended operators to: (i) reassess the safety and security risks associated to flight crew members leaving the cockpit due to operational or physiological needs; and (ii) based on this assessment, to implement procedures providing for at least two authorized persons to be in the cockpit at all times. EASA has also clarified that such bulletin may be reviewed in light of any new information concerning the pending technical investigation on the accident.

PROHIBITED AIRSPACE OVER THE AREAS OF THE UNIVERSAL EXHIBITION (EXPO) IN MILAN

By Lorenzo Sperati

ENAC (the Italian CAA) and the Public Safety Committee of Milan have recently informed that the overflight of the areas nearby the Universal Exhibition (EXPO) 2015 will be prohibited for public order reasons. The ban will be effective from 29 April to 28 May 2015, nevertheless the authorities pointed out that the opportunity of a prospective extension will be assessed at a later stage. State aircraft, emergency, rescue and military flights will be exempt from the airspace prohibition, as well as the commercial traffic (scheduled and non-scheduled). In that respect the exemption will involve also Milan Linate Airport (LIN), located not so far from the site of the event.

THE FUTURE OF THE AIR TRANSPORT INDUSTRY: AVIATION CONFERENCE IN ROME

On 4 June 2015 University LUISS Guido Carli and Studio Pierallini's second aviation conference will take place in Rome. An international panel of experts will come together to exchange insights of fundamental queries and prospective solutions regarding the future of the air transport industry. Various issues on regulation, market access and aircraft financing will be explored throughout the day, interrupted by a light Italian lunch served on the University's lovely patio.